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THE



J. M. FARRINGTON, M. P.

THE
REBELLION RECORD:

A Diary of American Events,

WITH

DOCUMENTS, NARRATIVES, ILLUSTRATIVE INCIDENTS,
POETRY, ETC.

EDITED BY

FRANK MOORE,

AUTHOR OF "DIARY OF THE AMERICAN REVOLUTION."

SUPPLEMENT—FIRST VOLUME.

WITH TWELVE PORTRAITS ON STEEL, AND VARIOUS MAPS AND DIAGRAMS.

NEW-YORK:
G. P. PUTNAM. HENRY HOLT.
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1864.

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Mr. Benjamin Gimran

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NOTE.

THIS Volume contains important Official Reports, Narratives and State Papers, both National and Rebel, which the Editor was unable to obtain for publication in the regular issues of the REBELLION RECORD. The propriety of preserving them as a Supplement to the work will be acknowledged by the reader of the History of these eventful times.

NEW-YORK, May 1864.

	DOC. PAGE		DOC. PAGE
36. <i>Battle of Belmont, Mo.—Flag-Officer Foote's Report</i> ,.....	216	tions in Missouri and Arkansas for the year ending November 30, 1862,.....	327
37. <i>The Keys of the Gulf—A Letter on the Saving of Fort Jefferson</i> ,.....	216	55. <i>Confiscation in California: General Wright's Order</i> ,.....	335
38. <i>The Contest in America. By John Stuart Mill</i> ,.....	217	56. <i>British Neutrality Laws for the Bahamas</i> ,..	336
38½. <i>Catholics in Massachusetts Regiments—Governor Andrew's Order</i> ,....	224	57. <i>Colonel A. D. Straight's Expedition: Journal of H. Breidenthal</i> ,.....	337
39. <i>Letter of Joseph Segar, to a friend in Virginia, in Vindication of his course in declining to follow his State into Secession</i> ,.	225	58. <i>Rebel Partisan Rangers, Act authorizing the</i>	350
40. <i>Alabama—Governor Shorter's Proclamations March 1 and 6, 1862</i> ,.....	243	59. <i>Gunboat Fight at Fort Huger, Va.: Rebel Account</i> ,.....	350
41. <i>The Seven Days' Contests, June 25—July 1, 1862—Cologne "Gazette" Account</i> ,....	245	60. <i>Rebel Conscription Act, Petition against the</i>	351
42. <i>Lutheran General Synod, Resolutions on the War</i> ,.....	252	61. <i>Message of Jefferson Davis, Aug. 18, 1862</i> ,.	353
43. <i>Pastoral Letter from the Bishops of the Protestant Episcopal Church to the Clergy and Laity of the Church in the Confederate States of America, Nov. 22, 1862</i> ,...	253	62. <i>Southern Civilization—Joint Resolution of Mr. Collier of Va.</i> ,.....	355
44. <i>Battle of Pittsburgh Landing: General B. M. Prentiss's Report</i> ,.....	257	63. <i>The Occupation of the White House, Va.: General McClellan's Explanation</i> ,....	356
Colonel J. L. Geddes's ".....	259	64. <i>Retaliation by the Rebels—Letter from Jefferson Davis</i> ,.....	359
Colonel W. S. Smith's ".....	260	Rebel General Orders,.....	359
Colonel John M. Thayer's ".....	261	65. <i>The Confiscation Bill—President Lincoln's Message</i> ,.....	360
Colonel D. Stuart's ".....	262	66. <i>Rebel Guerrilla Warfare: Official Correspondence</i> ,.....	362
45. <i>General W. F. Barry's Report of Artillery Operations at the Siege of Yorktown, April and May, 1862</i> ,.....	264	67. <i>Speech of Robert Toombs before the Legislature of Georgia, November, 1860</i> ,....	362
46. <i>An Act for Enrolling and calling out the National Forces—Passed February, 1863</i> ,.	270	68. <i>President Lincoln's Appeal to the Border States</i> ,.....	368
47. <i>Battle of Glendale, Va.: General Heintzelman's Report</i> ,.....	274	Reply of the Majority,.....	369
48. <i>Battle of Malvern Hill, Va.: General Heintzelman's Report</i> ,.....	277	" the Minority,.....	373
49. <i>Report of Judge-Advocate Joseph Holt on the Expedition to destroy the Georgia State Railroad</i> ,.....	279	" Mr. Maynard, of Tenn.,.....	373
Deposition of Corporal Wm. Pittinger,.	282	" Senator Henderson, of Mo.,..	374
" Jacob Parrot,.....	289	69. <i>Spirit of the Catholic Church: Letter of the Bishop of Charleston, S. C.</i> ,.	377
" Robert Buffum,.....	290	" Archbishop Hughes,.....	382
" Corporal Reddick,.....	291	70. <i>Evacuation of Pensacola Navy-Yards, Forts, etc.—Rebel Reports</i> ,.....	384
" William Bensiger,.....	292	71. <i>Report of Colonel E. E. Cross of the Operations of the Fifth New-Hampshire Regiment</i> ,.....	386
Narrative of the "New Era",.....	293	72. <i>The Campaign in Kentucky, 1862: General D. C. Buell's Report</i> ,.....	389
50. <i>Rebel Raids in Kentucky: Official Report of General Morgan</i> ,....	296	73. <i>Secretary Stanton's Report of the Operations of the Army of the United States for the year 1862</i> ,.....	394
" " G. A. Ellsworth,....	298	74. <i>Bombardment of Fort Henry, Tenn.: General Tilghman's Report</i> ,.....	404
51. <i>The Negroes at Port Royal, S. C.: Reports of Edward L. Pierce</i> ,....	302, 315	75. <i>Speech of Judge J. L. Petigru at Charleston, S. C., November 7, 1861</i> ,.....	409
52. <i>Capture of the Isabel: Commodore Du Pont's Report</i> ,.....	323	76. <i>Breckinridge and the Black Flag: Official Correspondence</i> ,.....	410
53. <i>Rebel Conscription Laws, The Effect of Conscription</i> ,.....	324	77. <i>Maryland and Massachusetts: Proceedings in the Legislature of Massachusetts upon the Act of the State of Maryland Appropriating Money for the Families of those belonging to the Sixth Regiment of Massachusetts Vol-</i>	
New Conscription Bill,.....	326		
54. <i>Report of General Schofield of the Opera-</i>			

CONTENTS OF FIRST VOLUME, SUPPLEMENT.

	DOC. PAGE		DOC. PAGE
untermen who were Killed or Disabled by Wounds received in the Riot at Baltimore, April 19, 1861,.....	411	Report of General J. B. Magruder,....	488
X78. Capture of Fort Donelson, Tenn.:		“ General McLaws,.....	487
General Pillow's Report,.....	414	“ Colonel W. M. Levy,.....	488
Colonel Burch's Statement,.....	418	“ Colonel Goode Bryan,.....	489
Colonel Forrest's Report,.....	419	“ Lieut.-Colonel P. R. Ihue,....	489
Major Herring's “.....	420	“ Colonel H. C. Cabell,.....	490
Major Hayne's “.....	421	“ Captain M. Stanley,.....	492
Hunter Nicholson's “.....	422	87. Battle of Fredericktown, Mo.—National Ac-	
Response of General Pillow,.....	423	counts of,.....	493
General Buckner's Reports,.....	425	88. Battle at James Island, S. C.:	
Lieutenant-Colonel Gilmer's Report,...	431	Report of General Pemberton,.....	494
General Grant's Terms,.....	431	“ General Evans,.....	496
Colonel Wharton's Report,.....	435	“ Colonel Lamar,.....	497
Colonel McCausland's Report,.....	436	“ Major David Ramsay,.....	499
Colonel Baldwin's “.....	436	“ Colonel Hagood,.....	499
Colonel Lillard's “.....	439	“ Colonel C. H. Stevens,.....	500
Major W. M. Brown's “.....	439	“ Lieut.-Col. Chas. H. Simonton,...	501
Colonel John C. Brown's “.....	442	“ Lieutenant R. A. Blum,....	501
Major Cheairs's “.....	444	“ Captain J. E. Adger,.....	502
Colonel Palmer's “.....	445	“ Colonel S. D. Goodlett,....	502
Colonel E. C. Cook's, “.....	447	89. General Pleasanton's Reconnoissance, Octo-	
Major Doss's “.....	448	ber, 1862:	
Colonel Helman's, “.....	449	Rebel Accounts,.....	504
Adjutant McGinnis's “.....	451	90. General McClellan's Report of the Opera-	
Colonel J. W. Head's “.....	452	tions of the Army of the Potomac while	
Colonel R. W. Hanson's “.....	453	under his Command,.....	505
Colonel John Gregg's “.....	454	Attestation of the Adjutant-General,...	555
Sup. Report of John B. Floyd,.....	455	91. Removal of General McClellan—Letter from	
79. Message of Jefferson Davis, Feb. 25, 1862.	459	General Halleck to the Secretary of War,...	555
80. Secession in Europe — Correspondence be-		92. Contest on the Rappahannock, August, 1862,	
tween the Rebel Commissioners and Earl		Rebel Diary and Account,.....	660
Russell,.....	460	93. Report of Brigadier-General C. C. Gilbert of	
81. Rebel Operations in New-Mexico:		the Operations along the Louisville and	
Report of General Sibley,.....	465	Nashville Railroad,.....	662
“ Colonel Green,.....	466	94. The Seven Days' Contests:	
“ Colonel W. R. Scurry,.....	470	General McCall's Official Reports,....	663
“ Major H. W. Ragnet,....	472	General McCall's Testimony before the	
“ Major C. S. Pyron,.....	473	Committee on the Conduct of the	
“ Captain Powhattan Jordan,...	474	War,.....	669
“ Captain T. T. Teel,.....	474	Testimony of the Pennsylvania Re-	
Battle of Glorietta—Report of Colonel		serves,.....	671
Scurry,.....	475	95. Alexander H. Stephens's Letter on Martial	
82. The Evacuation of Columbus, Tenn.:		Law and Military Usurpation,.....	675
Major-General Polk's Report,.....	477	96. Repossession of Norfolk—Letter from Bri-	
83. The Dismissal of Major Key—Copy of the		gadier-General Viele,.....	677
Record,.....	477	97. New-Jersey Peace Resolutions, passed March	
84. Battle of Pittsburgh Landing:		18, 1863,.....	679
Beauregard's Order on the Movement		98. Papers by William Whiting, Solicitor of	
of Troops,.....	478	the War Department	
Rebel Killed and Wounded in,.....	479	War Powers of the President,.....	681
85. Correspondence between Horace Greeley and		Military Arrests,.....	723
President Lincoln, August, 1862,.....	481	Reconstruction of the Union,.....	739
86. Rebel Operations on the Peninsula of Vir-		99. Bombardment of Fort McAllister, Ga.:	
ginia, May, 1862:		Rebel Reports,.....	744
		100. Indian Scouts and their Results for the year	
		1863—Report of General Carleton,....	744

	DOC. PAGE		DOC. PAGE
101. <i>Improvement of Quakers by the Rebel Authorities</i> , ...	752	Proclamation of Bradley T. Johnson, ..	753
102. <i>Rebel Guerrillas—T. B. Murray's Proclamation</i> , ...	753	" Governor Bradford, ...	755
103. <i>Destruction of the Arsenal at Harper's Ferry, Va.</i> , ...	753	Address to the Citizens of Lancaster, Pa., ...	756
104. <i>Halleck's General Order, No. 3</i> , ...	754	106. <i>Guerrillas in West-Virginia—Proclamation by Colonel Imboden</i> , ...	757
105. <i>The Invasion of Maryland in 1862</i> , ...	755	107. <i>Occupation of New-Orleans, La. — Captain John L. Broome's Statement</i> , ...	758
Proclamation of General Lee, ...	755		

LIST OF ILLUSTRATIONS.

PORTRAIT OF JOHN BRIGHT,	FRONTISPIECE.
" WILLIAM H. SEWARD,	to face p. 1
" ADJUTANT F. A. STEARNS,	" " 27
" CHARLES SUMNER,	" " 42
" CHIEF-JUSTICE TANNEY,	" " 109
" COLONEL E. M. ELLSWORTH,	" " 179
" JOSEPH HOLT,	" " 279
" RICHARD COBDEN,	" " 359
" JUDGE J. L. PETIGRU,	" " 409
" LIEUTENANT H. B. HIDDEN,	" " 477
" MAJOR NOAH H. FERRY,	" " 573
" ALEXANDER H. STEPHENS,	" " 675

MAPS AND PLANS. . .

MAP TO ILLUSTRATE THE REPORT OF GENERAL HILL'S PURSUIT OF GARNETT IN 1861,	to face p. 33
PLAN OF THE DEFENCES OF YORKTOWN AND APPROACHES TO IT DURING THE SIEGE OF APRIL AND MAY, 1862,	" 559
PLAN OF THE REBEL WORKS AND BATTLE-FIELD NEAR WILLIAMSBURGH, VA.,	" 563
PLAN OF THE BATTLE OF MECHANICSVILLE, VA.,	" 583
PLAN OF THE BATTLE OF GAINES'S MILLS, VA.,	" 587
PLANS OF THE BATTLES OF TURKEY BRIDGE AND MALVERN HILL, VA.,	" 592
PLAN OF THE NEW-MARKET CROSS-ROADS BATTLE-GROUND,	" 667



H. B. Hall

Hon. Wm. H. SEWARD.

Secretary of State

1850-1861

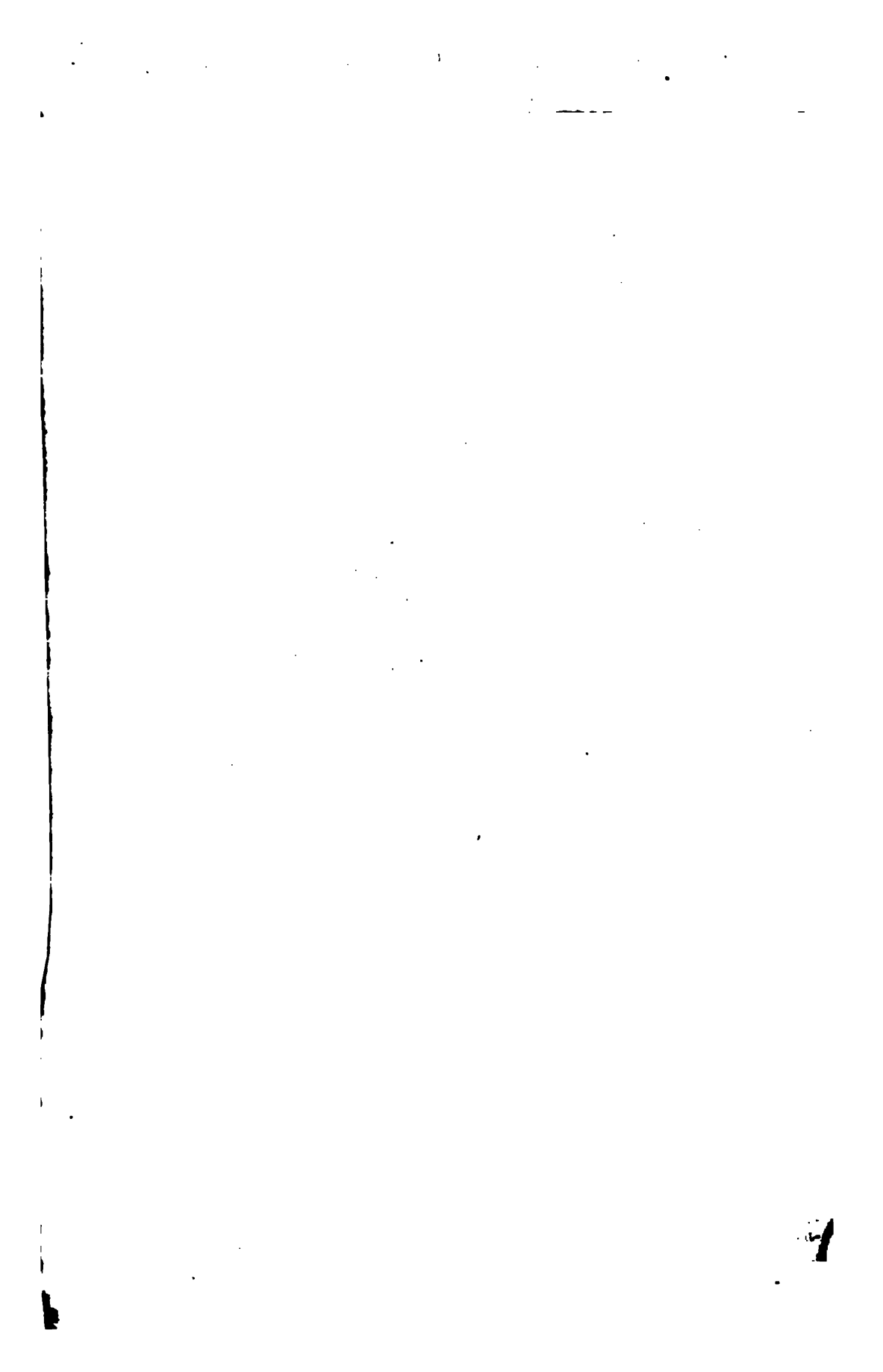


R. B. Hall

Hon. Wm. H. SEWARD.

Secretary of State

New York, January 1851





DOCUMENTS AND NARRATIVES.

Doc. 1.

SPEECH OF JOHN BRIGHT, M. P.

At a dinner given to Mr. Bright by his fellow-townsmen, at Rochdale, Eng., on Wednesday evening, Dec. 4, about two hundred and fifty gentlemen were present, being as many as the public hall could accommodate, and the galleries were filled with a numerous assemblage of ladies, among whom was Mrs. Bright. On the platform were the Mayor of Rochdale, (Mr. J. T. Pagan,) who was in the chair; Mr. Bazley, M.P., Mr. George Wilson, Messrs. J. and T. Bright, Mr. T. Livsey, the Mayor of Manchester, (Mr. Goadsby,) the American consul at Liverpool, (Mr. T. H. Dudley,) and others.

After the toast of "The Queen" and "The Houses of Parliament,"

Mr. Bazley, M.P., in response to the latter, said there was no more distinguished member in the House than their esteemed friend and fellow-townsmen Mr. Bright. [*Cheers.*] And just as people were very often asking, "What will Mrs. Grundy say?" so in the House of Commons he heard on every occasion the inquiry, "What will Bright say?" [*Laughter and applause.*] There was much in the present House of Commons that was creditable to it; but at the same time he believed, with them, that it needed amendment. [*Hear, hear.*] They wanted also a retrenchment in their expenditure; and, above all, the maintenance of peace, and the continuance of pacific relations between Old England and the United States. [*Cheers.*]

The next toast, "The health of Mr. Cobden, the member for Rochdale," was most enthusiastically received, the company rising to give three cheers.

The following letter from Mr. Cobden was read:—

"MIDNIGHT, Dec. 2.

"DEAR SIR: I need not assure you with what pleasure I should accept your invitation to be present at the entertainment which is to be offered by his neighbors, to my friend Mr. Sur. Doc. 1

Bright. It tempts me sorely, and yet I will not break the rule by which I have prohibited myself from attending any public meeting this winter, with the view of husbanding my health for the labors of the coming session. The circumstances of the present moment make me regret my inability to meet my constituents. I should have been glad to have expressed my views of the public questions of the day, especially in reference to our relations with the United States, to which a recent event has given a sudden importance. I allude, of course, to the capture of Messrs. Slidell and Mason on board a British steamer. On this subject I should have urged the propriety of suspending a final judgment until we had time to hear whether the American Government had authorized this act of their naval officer; and, if so, on what ground they justified the proceeding. I have seen with some surprise the assumption in certain quarters that, from the moment when our legal authorities have given their opinion on the point at issue, the question is settled, and that we have only to proceed to enforce their award. It is forgotten that the matter in dispute must be decided not by the British, but by international law, and that if the President's Government should assume the responsibility of the act of their naval officer, they will claim for the reasoning and the precedents urged by their legal advisers at Washington, the same consideration which they are bound to give to the law officers of the British Crown. To refuse this would be to deny that equality before the law which is the rule of all civilized States, and to arrogate for ourselves, as interested parties, arbitrary and dictatorial power. Had I been able to meet my constituents, I should have in their name, and with, I know, their full concurrence, repudiated the language of those public writers who, without waiting till both parties have had a hearing, have given utterances to threats, which, if they are supposed to emanate from the British people, must render compliance on the part of the American Government difficult, if not impossible. What-

ever be the issue of the legal controversy, this is a question which we cannot hope to bring to a more satisfactory issue by an appeal to arms. We endeavored to impose our laws by force on the Americans when they were three millions of colonists, and we know the result. Again, in 1812, when we were belligerents, and the United States, with eight millions of people, were neutral, and after we had for years subjected their vessels to search and seizure—which will now probably be adduced as precedents to justify the recent proceeding on their part—a war broke out on this very question of belligerent rights at sea, which, after two years of mutual slaughter and pillage, was terminated by a treaty of peace in which, by tacit agreement, no allusion was made to the original cause of the war. With these examples, can we reasonably hope by force of arms to compel the 20,000,000 of Americans who are now united under the Federal Government to accept our exclusive interpretation of the law of nations? Besides, the mere settlement of the question of the Trent does not dispose of our difficulties and dangers. We require a complete revision of the international maritime code with a view to its simplification, and to bring it into harmony with the altered circumstances of the age; and to this, it must in justice be admitted, the Americans have not been the obstacle. More than five years ago the Government of Washington proposed to the European Powers to exempt private property at sea from capture by armed vessels of every kind—a proposal which, in his Message to Congress, President Pierce stated had been favorably received by Russia and France, but which was rejected by our Government, acting in opposition to the unanimous opinion of the commercial bodies of this country. Subsequently Mr. Buchanan's Government enlarged this offer by proposing to abolish blockades so far as purely mercantile ports were concerned, but again this met with no favor from our Government. The details of this plan are but imperfectly known, as no official documents have been given to the British public. But, after perusing the statement made by our Foreign Minister in the House of Commons, on the 18th of February last, the painful impression is left on my mind that, had this offer of the United States Government, instead of being opposed, been promptly and frankly accepted by England, our commerce with the Southern ports of that country might have at this moment been uninterrupted, and Lancashire would have hardly felt any inconvenience from the civil war in America. I was absent from Parliament when these great questions were incidentally referred to, for all serious discussion on the subject seems to have been discouraged by the Government; but I think I shall be able to show on a future occasion that no other country is interested to half the extent of England in carrying out these propositions of the United States Government. I would go a step further, and exempt from

visitation, search, and obstruction of every kind, all neutral merchant ships on the ocean or open sea, in time of war, as well as in time of peace. The commerce of the world has become too vast, and its movements too rapid, to permit of merchant vessels of all nations being, everywhere, liable to search and detention, merely because two Powers in some quarter of the globe choose to be at war. This state of things might have been endurable some centuries ago, when war was regarded as the normal state of society, and when the neutrality of a great Power was almost unknown, but it is utterly intolerable in an age of steam navigation and free trade. But let it not be forgotten by the British public, in the present moment of irritation, that England has always been, and still is, the great obstacle to a liberal and humane modification of the maritime law of nations in the interest of neutrals, and that her assent alone is wanting to sweep the musty maxims of Puffendorf and the rest into that oblivion which has happily engulfed the kindred absurdities of protection. I will not attempt, within the space of a letter, to touch upon the other issues involved in this deplorable civil war. There is one point only on which I will add a remark. An opinion seems to be entertained by some parties, here and on the Continent, that it is in the power of the Governments of England and France to control if not put an end to the conflict. I entertain the strongest conviction, on the contrary, that any act of intervention on the part of a European Power, whether by breaking the blockade, or a premature acknowledgment of the independence of the South, or in any other way, can have no other effect but to aggravate and protract the quarrel. History tells us how greatly the horrors of the French Revolution sprung from the intervention of the foreigner. Were a similar element thrown in to infuriate the American contest, every restraining motive for forbearance, every thought of compromise or conciliation, would be cast to the winds,—the North would avail itself of the horrible weapon always ready at hand, and by calling in the aid of the negro, would carry the fire and sword of a servile war into the South, and make it a desolation and a wilderness. So far from expecting that the raw material of our great industry would reach us sooner in consequence of such an intervention, I believe the more probable result would be the destruction of the cotton plant itself throughout the Southern States of the Union. I cannot conclude without thanking you for your kind offer of hospitality; and I remain, my dear sir, yours very truly,

"RD. COBDEN.

"JOHN T. PAGAN, Esq., Mayor."

The health of Mr. Bright was afterward given, amid tumultuous cheering.

Mr. Bright said: When the gentlemen who invited me to this dinner called upon me, I felt their kindness very sensibly, and now I am deeply grateful to my friends around me and to

you all for the abundant manifestations of it with which I have been received to-night. I am, as you all know, at this moment surrounded by my neighbors and friends, *[hear, hear,]* and I may say with the utmost truth that I value the good opinion of those who now hear my voice far beyond the opinion of any equal number of the inhabitants of this country selected from any portion of it. You have by this great kindness that you have shown me, given a proof that in the main you do not disapprove of my public labors, *[cheers,]* that at least you are willing to express an opinion that the motives by which I have been actuated have been honest and honorable to myself, and that that course has not been entirely without service to my country. *[Cheers.]* Coming to this meeting, or to any similar meeting, I always find that the subjects for discussion appear to be infinite, and far more than it is possible to treat. In these times in which we live, by the inventions of the telegraph and the steamboat, and the railroad, and the multiplication of newspapers, we seem continually to stand as on the top of an exceeding high mountain, from which we behold all the kingdoms of the earth and all the glory of them, and, unlappily, not only their glory, but their crimes, and their follies, and their calamities. *[Hear, hear.]* Seven years ago our eyes were turned with anxious expectation to a remote corner of Europe, where five nations were contending in bloody strife for an object which, possibly, hardly one of them comprehended, and, if they did comprehend it, which all sensible men among them must have known to be absolutely impracticable. Four years ago we were looking still further to the East, and we saw there a gigantic revolt in a great dependency of the British Crown, arising mainly from gross neglect and from the incapacity of England, up to that moment, to govern a country which it had known how to conquer. Two years ago we looked South to the plains of Lombardy. We saw a strife there, in which every man in England took a strange interest, *[hear, hear :]* and we have welcomed, as the result of that strife, the addition of a new and great kingdom to the list of European States. *[Cheers.]* Well, now our eyes are turned in a contrary direction; we look to the West, and there we see a struggle in progress of the very highest interest to England and to humanity at large. We see there a nation, which I shall call the transatlantic English nation, *[hear, hear,]* the inheritor and partaker of the historic glories of this country. *[Hear.]* We see it torn with intestine broils, and suffering from calamities from which for more than a century past—in fact, for nearly two centuries past, this country has been exempt. That struggle is of especial interest to us. We remember a description which one of our great poets gives of Rome in its condition of decay. He describes it as—

"Lone mother of dead empires."

But England is the living mother of great nations on the American and on the Australian continents, and she promises to belt the whole world with her knowledge, her civilizations, and even something more than the freedom that she herself enjoys. *[Cheers.]* Eighty-five years ago, about the time when some of our oldest townsmen were very little children, there were on the North American continent colonies, mainly of Englishmen, containing about 3,000,000 souls. These colonies we have seen a year ago constituting the United States of North America, and comprising a population of not less than 30,000,000 of souls. We know that in agriculture and manufacture, with the exception of this kingdom, there is no country in the world which, as to these arts, may be placed in advance of the United States. *[Applause.]* With regard to inventions, I believe; within the last 30 years, we have received more useful inventions from the United States than we have received from all the countries of Europe. *[Hear, hear.]* In that country there are probably ten times as many miles of telegraph as there are in this country, and there are at least five or six times as many miles of railways. The tonnage of its shipping is at least equal to ours, if it does not exceed ours. The prisons of that country—for even in countries the most favored, so far, prisons are needful—have been models for the other nations of the earth; and many European Governments have sent commissions beyond the Atlantic to inquire into the admirable system of education, established universally in their free schools throughout the free and Northern States. *[Cheers.]* If I were to speak of them in a religious aspect, I should say that within that period of time to which their short history goes back, there is nothing on the face of the earth, and never has been besides, to equal the magnificent arrangements of churches and ministers, and of all the appliances which are thought necessary for a nation to teach morality and Christianity to the people. Besides all this, when I state that for many years past the annual public expenditure of the Government of that country, has been somewhere between ten and fifteen millions, I need not perhaps say further, that there has existed in that country, among all the people, an amount of comfort and prosperity, of abounding plenty, such as I believe no other country in the world, in any age, has displayed. This is a very fine, but still a very true, picture, *[hear, hear,]* but it has another side, to which I must advert. There has been one great feature in that country—one great contrast, which has been pointed to by all men who have commented upon the United States as a feature of danger and a contrast calculated to give pain. You have had in that country the utmost liberty to the white man, but bondage and degradation to the black man. Now, rely upon it, that wherever Christianity lives and flourishes, there must grow up from it necessarily a conscience which is hostile to any oppression and to any

wrong; and therefore, from the hour when the United States Constitution was formed, so long as it left there this great evil, then comparatively small, but now become so great, it left there the seeds of that which an American statesman has so happily described—of that “irrepressible conflict” of which now the whole world is witness. [*Cheers*]. It has been a common thing for men disposed to carp at the United States to point at this blot upon their fair fame, and to compare it with the boasted declaration of equality in their deed and Declaration of Independence. But we must recollect who sowed this seed of trouble, and how and by whom it has been cherished. Without dwelling upon this for more than a moment, I should like to read to you a paragraph from “Instructions proposed to be given to the Virginian Delegates to Congress,” in the month of August, 1774, and from the pen of Mr. Jefferson, perhaps the ablest man produced in the United States at that time, and actively engaged in its affairs, and who was afterward, I think, for two periods President of the Republic. He writes this from a slave State—from the State of Virginia:—

“For the most trifling reasons, and sometimes for no conceivable reason at all, His Majesty the King of England has rejected laws of the most salutary tendency. The abolition of domestic slavery is the great object of desire in those colonies, where it was unhappily introduced in their infant state. But, previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa. Yet our repeated attempts to effect this, by prohibitions and by imposing duties which might amount to prohibition, have been hitherto defeated by His Majesty’s negative, thus preferring the immediate advantage of a few British corsairs to the lasting interests of the American States, and to the rights of human nature deeply wounded by this infamous practice.” [*Loud cheers*.]

I read that merely to show that two years before the Declaration of Independence was signed, Mr. Jefferson, acting on behalf of those whom he represented in Virginia, wrote that protest against the course of the British Government, which prevented the colonists abolishing the slave trade, preparatory to the abolition of slavery itself. The United States Constitution left the slave question for every State to manage for itself. It was a question then too difficult to settle, apparently; but every man had the hope and belief that in a few years slavery would of itself become extinct. Then there happened that great event in the annals of manufactures and commerce; it was discovered that in those States that article which we in this country so much depend upon could be produced of the best quality needful for manufacture, and at a moderate price; and from that day to this the growth of cotton has increased there, its consumption has increased here, and a value which no man dreamt of when Jefferson

wrote that paper has been given to slaves and slave industry, and thus it has grown up to that gigantic institution which now threatens either its own overthrow or the overthrow of that which is a million times more valued—the great republic of the United States. [*Loud cheers*.] The crisis at which we have arrived now—I say “we,” for, after all, we are as much interested in the crisis nearly as if I were making this speech in the city of Boston or New York—the crisis which has now arrived was inevitable. I say that the conscience of the North, never satisfied with the institution, was constantly pricking some man forward to take a more extreme view of the question, and there grew up naturally a section,—it may be not a very numerous one—in favor of abolition; and a great and powerful party resolved at least upon the restraint and control of slavery, so that it should not extend beyond the States and the area which it now occupies. But now, if we look at the Government of the United States, almost ever since the Union, we shall find that the Southern power has been mostly dominant there. If you take six and thirty years after the formation of the present Constitution, I think about 1787, you will find that for 32 of those years every President was a Southern man; and if you take the period from 1828 until 1860, you will find that on every election for President the South voted in the majority. Well, we know what an election is in the United States for President of the Republic. There is a most extended suffrage, and there is a ballot-box. The President and the House of Representatives are elected by the same electors, and generally they are elected at the same time; and it follows, therefore, almost inevitably, that the House of Representatives is in complete accord in public policy with the President for the time being. Every four years there springs from the vote created by the whole people a President over that great nation. I think the world affords no finer spectacle than this; I think it affords no higher dignity—that there is no greater object of ambition on the political stage on which men are permitted to move. You may point, if you like, to hereditary royalty, to crowns coming down through successive generations in the same families, to thrones based on prescription or on conquest, to sceptres wielded over veteran legions, or subject realms; but to my mind there is nothing more worthy of reverence or obedience, nothing more sacred, than the authority of the freely chosen magistrate of a great and free people. [*Loud cheers*.] And, if there be on earth and among men any right divine to govern, surely it rests with a ruler so chosen and so appointed. [*Cheers*.] This process of a great election was gone through a year ago, and the South, that had so long been successful, found itself defeated. That defeat was followed instantly by secession, insurrection, and war. In the multitude of articles which have been brought before us in the newspapers within the last few

months, I have no doubt you have seen, as I have seen it stated, that this question was very much like that upon which the colonies originally revolted against the Crown of England. It is amazing either how little many newspaper writers know, or how little they think that you know. [*Laughter.*] When the war of Independence commenced in America, 90 years ago or more, there was no representation there at all. The question was whether a Ministry in Downing street, and a corrupt and borough-mongering Parliament at Westminster, should impose taxes upon three millions of English subjects who had left their native country and established themselves in North America. But now the question is not of under-representation or of no representation, because, as is perfectly notorious, the representation of the South is not only complete, but in excess, for in distributing the number of representatives to the number of people—which is done every ten years in the United States—three out of every five slaves are counted for the South as if they were white men and free men, and the number of members given to them is so much greater than it would be if the really free men and white men only were counted, and it has followed from that that the South has had in the House of Representatives about twenty members more than it had any right to, upon the principle upon which members were apportioned to the Northern and the Free States. Therefore you will see at once that there is no kind of comparison between the state of things when the colonies revolted and the state of things now, when this fearful and wicked insurrection has broken out. But there is another cause, which is sometimes in England assigned for this great misfortune, which is the protective theories in operation in the Union, and the maintenance of a high tariff. It happens in regard to this that no American, certainly no one I ever met with, attributes the disaster of the Union to that cause. It is an argument made use of by ignorant Englishmen, but never by informed Americans. Have not I already shown you that the South, during almost the whole existence of the Union, has been dominant at Washington, and during that period the tariff has existed? There has been dissatisfaction occasionally with it, there can be no doubt; and at times the tariff has been higher than was thought just or reasonable, or necessary, by some of the States of the South. But the very first Act of the United States which levies duties on imports, passed immediately after the Union was formed, recites that "It is necessary for the encouragement and protection of manufactures to levy the duties which follow:" and during the war with England, from 1812 to 1815, the people of the United States had to pay for all the articles they brought from Europe many times over the natural cost of those articles, on account of the interruption of the traffic by the English navy; and when the war was over it was felt by everybody desirable that

they should encourage manufactures in their own country; and seeing that England was at that precise moment passing a law to prevent any wheat coming from America until wheat in England had risen to the price of 84s. per quarter, we may feel quite satisfied that the doctrines of protection originally entertained did not find less favor at the close of the war in 1815. Now, there is one remarkable point with regard to this matter which should not be forgotten. Twelve months ago, at the meeting of the Congress of the United States, which takes place on the first Monday in December, there were various proposals of compromise, and committee meetings of various kinds held, to try and devise some mode of settling the question between the North and South, so that the disunion might not go on; but, though I read carefully every thing that was published in the English newspapers from the United States on that subject, I do not recollect that in any single instance the question of the tariff was referred to, or that any change was proposed or suggested in that matter as likely to have any effect whatever upon the question of secession. [*Hear.*] Now, there is another point, too,—that whatever be the influence of tariffs upon the United States, it is as pernicious to the West as to the South; and further, Louisiana, which is a Southern State and a seceded State, has always voted along with Pennsylvania, until last year, in favor of protection for its sugar; while Pennsylvania wished protection for its coal and iron. But if the tariff was onerous and grievous, was that a reason for this great insurrection? Has ever a country had a tariff—especially in the article of food—more onerous and more cruel than that which we had in this country twenty years ago? [*Cheers.*] We did not secede. We did not rebel. What we did was to raise money for the purpose of distributing over all the country perfect information upon that question; and many men, as you know, devoted all their labors for several years to teach the great and wise doctrines of free trade to the people of England. Why, the price of a single gunboat, the keep of a single regiment, the garrison of a single fort, the cessation of their trade for a single day, costs more than it would have cost them to spread all over the intelligent people of the United States the most complete statement of the whole question; and West and South, having no interest in protection, could, united, have easily revised, or, if need had been, could have repealed the tariff altogether. No, the question is a very different and far more grave question. It is the question of slavery. [*Hear, hear.*] For thirty years it has been constantly coming to the surface, disturbing social life, and overthrowing almost all political harmony in the working of the United States. In the North there is no secession, there is no collision. These disturbances and this insurrection are found wholly in the South and in the slave States, and therefore I think the man who says otherwise, and

who contends that it is the tariff, or any thing whatsoever other than slavery, is either himself deceived, or he endeavors to deceive others. The object of the South is this—to escape from the majority which wishes to limit the area of slavery. [*Hear.*] They wish to found a slave State, freed from the influences and the opinion of freedom. The free States in the North, then, now stand before the world the advocates and defenders of freedom and civilization. The slave States of the South offer themselves for the recognition of Christian nations, based upon the foundation, the unchangeable foundation in their eyes, of slavery and barbarism. [*Hear, hear.*] I will not discuss the guilt of men who, Ministers of a great nation, only last year conspired to overthrow it. I will not point out or recapitulate the statements of the fraudulent manner in which they disposed of the funds in the national exchequer. I will not point out by name any of the men in this conspiracy, whom history will designate by titles that they would not like to hear. But I say that slavery has sought to break up the most free government in the world, and to found a new State in this nineteenth century, whose corner-stone is the perpetual bondage of millions of men. [*Hear, hear.*] Having thus described what appears to me briefly the truth of this matter, what is the course that England would be expected to pursue? We should be neutral so far as regards mingling in the strife. We were neutral in the strife in Italy, but we were not neutral in opinion or in sympathy. [*Hear, hear.*] You know perfectly well that throughout the whole of Italy, at this moment, there is a feeling that, though no shot was fired from an English ship, though no English soldier trod their soil, still the opinion of England was potent in Europe, and did much for the creation of the Italian kingdom. [*Hear.*] Well, with regard to the United States, you know how much we hate slavery—that is, awhile ago you thought you knew that we had given £20,000,000, that is, £1,000,000 a year nearly in taxes, to free 800,000 slaves in the English colonies. You knew, or you thought you knew, how much you were in love with free government everywhere, although it might not take precisely the form of our government—free government in Italy, free government in Switzerland, free government, under republican forms, in the United States of America, and with all this every man would have said that England would wish the American Union to be prosperous and eternal. Now, suppose we turn our eyes to the East, to the empire of Russia, for a moment. In Russia, as you know, there has been one of the most important and magnificent changes of policy ever seen in any country within the last year or two. The present Emperor of Russia, following the wishes of his father, has insisted upon the abolition of serfdom in that empire, [*hear, hear.*] and 23,000,000 human beings, lately serfs, little better than real slaves, have been put in a path of elevation

to the ranks of freedom. [*Cheers.*] Now, suppose that the millions of serfs of Russia had been chiefly in the south of Russia. We hear that the nobles of Russia, to whom these serfs belong in a great measure, have been very hostile to this change, and that there has even been some danger that the peace of that empire might be disturbed during this change. Suppose these nobles, for the purpose of maintaining in perpetuity the serfdom of Russia, and barring out twenty-three millions of your fellow-creatures from the rights of freedom, had established a great and secret conspiracy, and had risen in a great and dangerous insurrection against the Russian Government, I say that the people of England, although but seven years ago they were in mortal combat with Russia, in the south of Europe, I believe that at this moment they would have prayed Heaven in all sincerity and fervor to give strength to the arm and success to the great wishes of the Emperor, and that that vile and pernicious insurrection might be suppressed. [*Great cheering.*] Now, let us look a little at what has been said and done in this country since the period when Parliament rose in the beginning of August. There have been two speeches to which I wish to refer, and in terms of approbation. The Duke of Argyll, a member of the present Government,—and though I have not the smallest personal acquaintance with him, I am free to say that I believe him to be one of the most intelligent and liberal of his order, [*hear, hear.*]—the Duke of Argyll delivered a speech which was fair and friendly to the Government of the United States. Lord Stanley [*hear, hear.*] only a fortnight ago made a speech which it is impossible to read without remarking the thought, the liberality, and the wisdom by which it is distinguished. He doubted, it is true, whether the Union could be restored—but a man need not be hostile, and must not necessarily be friendly, to doubt that or the contrary—but he spoke with fairness and friendliness of the Government of the United States, and he said they were right and justifiable in the course they took, [*hear.*] and he gave a piece of advice, now more important than it was even at the moment when he gave it, that in the various incidents and accidents of a struggle of this nature, it became a people like this to be very moderate and very calm, and to avoid getting into that feeling of irritation which sometimes arises, and sometimes leads to danger. [*Hear, hear.*] I mention these two speeches as from noblemen of great distinction in this country—speeches which I believe would have a beneficial effect on the other side of the Atlantic. Lord John Russell, in the House of Commons during the last session, made a speech, too, in which he rebuked the impertinence of a young member of the House who spoke about the “bursting of the bubble Republic.” [*Hear, hear, and cheers.*] It was a speech worthy of the best days of Lord John Russell. [*Cheers.*] But at a later period he spoke at Newcastle, on an

occasion something like this, when the inhabitants, or some portion of the inhabitants of that town invited him to a public dinner. He described the contest in words something like these, (I speak only from memory.)—"That the North is contending for empire, and the South for independence." Did he mean that the North was contending for empire, as England, when making some fresh conquest in India? If he meant that, what he said was not true. But I recollect Lord John Russell, in the House of Commons some years ago, on an occasion when I had made some observations as to the unreasonable expenditure of the colonies, and complained that the people of England should be taxed to defray the expenses which the colonies themselves should be well able to bear, turned to me with a sharpness which was not necessary, and said, "The hon. member has no objection to make a great empire into a small one, but I have." [*Loud cheers and laughter.*] Perhaps if he lived in the United States, if he were a member of the Senate or House of Representatives there, he would doubt whether it was his duty to consent at once to the destruction of a great country; to its separation, it may be, into two hostile camps; or whether he would not try all means open to him, and open to the Government, to avert so unlooked-for and so dire a calamity. There are other speeches that have been made. I will not refer to them by any quotation. I will not, out of pity to some of the men who have uttered them, [*laughter and cheers*]; I will not bring their names even before you, to give to them an endurance which I hope they will not have, [*hear, hear*]; but I will leave them in the obscurity which they so richly merit. [*Cheers.*] But now you know as well as I do that of all the speeches made since the end of the session of Parliament by public men and politicians, the majority of them displayed either strange ignorance of American affairs, or a strange absence of that cordiality and friendship which, I maintain, our American kinsmen had a right to look for at our hands. [*Hear, hear.*] And if we part from the speakers and turn to the writers, what do we find there? We find that which is reputed abroad, and has hitherto been reputed at home as the most powerful representative of English opinion—at least of the richer classes—we find that in that particular newspaper there has not been, since Mr. Lincoln took office in March last as President of the United States, one fair, and honorable, and friendly article on American affairs. [*Hear, hear.*] Some of you, I dare say, read it, but fortunately now every district is so admirably supplied with local newspapers, that I trust, in all time to come, the people of England will drink of "purer streams nearer home," [*cheers and laughter.*] and not from those streams which are muddied by party feeling and political intrigues, and by many motives that tend to any thing rather than the enlightenment and advantage of the people. Now, it has been said, and by

that very paper, over and over again, "Why this war? Why not separate peaceably? Why this fratricidal strife?" I hope they will all be against "fratricidal strife" in other respects; for, if it is true that God has made of one blood all the families of man to dwell on the face of all the earth, it must be a fratricidal strife, whether we are slaughtering Russians in the Crimea or bombarding the towns on the seacoast of the United States. [*Cheers.*] Now, no one will expect that I should stand forward as the advocate of war, or the defender of that great sum of all crime which is involved in war; but when you are discussing a question of this nature, it is only fair you should discuss it upon principles which are acknowledged not only in the country where the strife is being carried on, but all but universally acknowledged in this country. When I discussed the question of the Russian war seven or eight years ago, I always discussed it on the principles which were avowed by the Government and the people of England, and I took my facts from the blue books which were presented to Parliament. I take the liberty of doing that now in this case. I say that, looking at the principles avowed in England, and at all its policy, there is no man that is not absolutely a non-resistant in every sense, who can fairly challenge the conduct of the American Government in this war. It is a curious thing to find that the party in this country which on every public question is in favor of war at any cost, when it comes to speak of the duty of the Government of the United States is in favor of "peace at any price." [*Hear, hear.*] I want to know whether it has ever been admitted by politicians and statesmen or by any people, that great nations can be broken up at any time by the will of any particular section of those nations? It has been tried occasionally in Ireland, [*laughter.*] and if it had succeeded, history would have said, with very good cause. [*Hear, hear.*] But if any body tries now to get up a secession or insurrection in Ireland—which would be infinitely less disturbing to every thing than secession in the United States, because there is a boundary which nobody can dispute—I am quite sure *The Times* newspaper would have special correspondents, and would describe with all the glowing exultation in the world the manner in which the Irish insurrectionists were cut down and made an end of. Let any man try in England to restore the Heptarchy. Do you think that any politician in this country would think it a thing to be tolerated for a moment? But if you will look at the map of the United States, you will see that there is no country in the world, probably, at this moment, where any plan of separation between North and South, as far as the question of boundary is concerned, is so surrounded with insurmountable difficulties. For example,—Maryland is a slave State, but Maryland has by a very large majority voted for the Union. Would Maryland go South or North? Kentucky is a slave

State, and one of the finest in the Union, containing a fine people. Kentucky has voted for the Union, but has been invaded from the South. Missouri is a slave State; Missouri has not seceded, but has been invaded from the South, and there is a secession party in that State. There are parts of Virginia which have formed themselves into a new State, resolving to adhere to the North, and there is no doubt a considerable Northern and Union feeling in the State of Tennessee; and I have no doubt that there is in every other State. Indeed, I am not sure that there is not now within the sound of my voice a citizen of the United States [*hear.*] a citizen of the State of Alabama, who can tell you that there the question of secession has never been put to the vote, and that there are great numbers of most reasonable, thoughtful, and just men in the State who entirely deplore the condition of things there existing. Well, then, what would you do with all these States, and with what may be called the loyal portion of the population of these States? Would you allow them to be dragooned into this insurrection, and into becoming parts of a new State, to which they themselves are hostile? But what would you do with the city of Washington? Washington is in a slave State. Would anybody have advised President Lincoln and his Cabinet, and all the members of Congress (House of Representatives and Senate) from the North, with their wives and children, and everybody else who was not positively in favor of the South, to set off on their melancholy pilgrimage northward, leaving that capital—hallowed to them by such associations, having its name even from the father of their country—leaving Washington to the South, because Washington is situated in a slave State? Again, what do you say to the Mississippi River, as you see it upon the map, the “father of waters” rolling that gigantic stream to the ocean? Do you think that the fifty millions which one day will occupy the banks of that river, northward, will ever consent that that great stream should roll through a foreign, and, it may be, a hostile State? And more, there are four millions of negroes in subjection. For them the American Union is directly responsible. They are not secessionists; they are now, as they always were, not citizens nor subjects, but legally under the care and power of the Government of the United States. Would you consent that these should be delivered up to the tender mercies of their task-masters, the defenders of slavery as an everlasting institution? [*Cheers.*] Well, if all had been surrendered without a struggle, what then? What would the writers in this newspaper and other newspapers have said? If a bare rock in your empire, that would not keep a goat, a single goat alive, be touched by any foreign Power, why, the whole empire is roused to resistance. And if there be, from accident or from passion, the smallest insult to our flag, what do your newspaper writers say upon that subject, and what is said in all your

towns and upon all your exchanges? I will tell you what they would have said if the Government of the United States and the North had taken their insidious and dishonest advice. They would have said the great Republic is a failure, and Democracy has murdered patriotism, that history affords no example of such meanness, and of such cowardice, and they would have heaped unmeasured obloquy and contempt upon the people and Government who had taken that course. [*Loud cheering.*] Well, they tell you, these candid friends of the United States, they tell you that all freedom is gone; that the Habeas Corpus Act, if they ever had one, is known no longer; and that any man may be arrested at the dictum of the President or of the Secretary of State. Well, but in 1848, you recollect, many of you, that there was a small insurrection in Ireland. It was an absurd thing altogether, but what was done then? I saw, in one night, in the House of Commons, a bill for the suspension of the Habeas Corpus Act passed through all its stages. What more did I see? I saw a bill brought in by the Whig Government of that day, Lord John Russell being the Premier, which made speaking against the Government and against the Crown, which up to that time had been sedition, which proposed to make it felony, and it was only by the greatest exertions of a few of the members that that act, in that particular, was limited to a period of two years. In the same session a bill was brought in, called an Alien Bill, which enabled the Home Secretary to take any foreigner whatsoever, not being a naturalized Englishman, and in 24 hours to send him out of the country. Although a man might have committed no crime, this might be done to him, apparently only on suspicion. But suppose that an insurgent army had been so near to London that you could see its outposts from every suburb of London—what then do you think would have been the regard of the Government of Great Britain for personal liberty, if it interfered with the necessity, and, as they might think, with the salvation of the State? I recollect, in 1848, when the Habeas Corpus Act was suspended, that a number of persons in Liverpool, men there of position and of wealth, presented a petition to the House of Commons, praying—what? That the Habeas Corpus Act should not be suspended? No, but because they were not content with its suspension in Ireland, praying the House of Commons to extend that suspension to Liverpool. [*Laughter.*] I recollect that at that time—and I am sure my friend Mr. Wilson will bear me out in what I say—the Mayor of Liverpool telegraphed to the Mayor of Manchester, and messages were sent on to London nearly every hour, and the Mayor of Manchester heard from the Mayor of Liverpool that certain Irishmen in Liverpool, conspirators, or fellow-conspirators, with those in Ireland, were going to burn the cotton warehouses of Liverpool and the cotton mills of Lancashire. [*Laughter.*] And I read

that petition. I took it from the table of the House of Commons and read it, and I handed it over to a statesman of great eminence, who has been but just removed from us—a man not second to any in the House of Commons for his knowledge of affairs and for his great capacity—I refer to Sir James Graham [*hear, hear*].—I handed to him this petition. He read it; and after he had read, he rose from his seat, and laid it upon the table with a gesture of abhorrence and disgust. [*Loud cheers.*] Now, that was a petition from the town of Liverpool, in which some persons have lately been making themselves very ridiculous by their conduct in this matter. [*Hear, hear.*] There is one more point. It has been said, “How much better it would be”—not for the United States, but—“for us, that these States should be divided.” I recollect meeting a gentleman in Bond street one day, before the session was over—a rich man, and one whose voice is very much heard in the House of Commons; but his voice is not heard there when he is on his legs, but when he is cheering other speakers, [*laughter.*] and he said to me, “After all, this is a sad business about the United States; but still I think it is very much better that they should be split up. In twenty years” (or in fifty years, I forget which it was) “they will be so powerful that they will bully all Europe.” [*Laughter.*] And a distinguished member of the House of Commons—distinguished there by his eloquence, distinguished more by his many writings—I mean Sir Edward Bulwer Lytton—he did not exactly express a hope, but he ventured on something like a prediction, that the time would come when there would be, I don’t know how many, but as many Republics or States in America as you can count upon your fingers. There cannot be a meaner motive than this that I am speaking of, in forming a judgment on this question—that it is “better for us;” for whom? the people of England, or the Government of England?—that the United States should be severed, and that that continent should be as the continent of Europe is, in many States, and subject to all the contentions and disasters which have accompanied the history of the States of Europe. [*Applause.*] I should say that if a man had a great heart within him he would rather look forward to the day when, from that point of land which is habitable nearest to the Pole to the shores of the Great Gulf, the whole of that vast continent might become one great federation of States—that, without a great army and without a great navy, not mixing itself up with the entanglements of European politics—without a custom-house inside through the whole length and breadth of its territory, but with freedom everywhere, equality everywhere, law everywhere, peace everywhere—would afford at last some hope that man is not forsaken of Heaven; and that the future of our race might be better than the past. [*Prolonged cheering.*] It is a common observation that our friends in Amer-

ica are very irritable. Well, I think it is very likely, of a considerable number of them, to be quite true. Our friends in America are involved in a great struggle. There is nothing like it before in their history. No country in the world was ever more entitled, in my opinion, to the sympathy and the forbearance of all friendly nations than are the United States at this moment. [*Hear, hear.*] They have there newspapers that are no wiser than ours. [*Laughter.*] They have there some papers, one at least, which, up to the election of Mr. Lincoln, were his bitterest and unrelenting foes, but when the war broke out, and it was not safe to take the line of Southern support, were obliged to turn round and to support the prevalent opinion of the country. But they undertook to serve the South in another way, and that was by exaggerating every difficulty, and mis-stating every fact, if so doing could serve their object of creating distrust between the people of the Northern States and the people of this United Kingdom. [*Hear, hear.*] If *The Times*, in this country, has done all that it could to poison the minds of the people of England, and to irritate the minds of the people of America, the *New York Herald*, I am sorry to say, has done, I think, all that it could, or that it dared, to provoke mischief between the Government in Washington and the Government in London. [*Hear, hear.*] Now there is one thing which I must state, that I think they have a solid reason to complain of; and I am very sorry to have to mention it, because it blames our present Foreign Minister, against whom I am not anxious to say a word, and, recollecting his speech in the House of Commons, I should be slow to conclude that he had any feeling hostile to the United States Government. You recollect that during the session—it was on the 14th of May—a proclamation came out which acknowledged the South as a belligerent Power, and proclaimed the neutrality of England. A little time before that—I forget how many days—Mr. Dallas, the late Minister from the United States, had left London for Liverpool and for America. He did not wish to undertake any affairs for this Government, by which he was not appointed—I mean that of President Lincoln—and he left what had to be done to his successor, who was on his way, and whose arrival was daily expected. Mr. Adams, the present Minister from the United States, is a man who, if he lived in England, you would say was one of the noblest families of the country. I think his father and his grandfather were Presidents of the United States. His grandfather was one of the great men who achieved the independence of the United States. There is no family in that country having more claims upon what I should call the veneration and the affection of the people than the family of Mr. Adams. Mr. Adams came to this country. He arrived in London on the night of the 13th of May. On the 14th that proclamation was issued. It was

known that he was coming; but he was not consulted; the proclamation was not delayed for a day, although nothing pressed that he might be notified about it. If communications of a friendly nature had taken place with him and with the American Government, they could have found no fault with this step, because it was almost inevitable, before the struggle had proceeded far, that this proclamation would be issued. But I have the best reasons for knowing that there is no single thing that has happened during the course of these events which has created more surprise, more irritation, and more distrust in the United States with respect to this country, than the fact that that proclamation did not wait one single day until the Minister from America could come here, and until it could be done with his consent or concurrence, and in that friendly manner that would have avoided all the unpleasantness which has occurred. [*Hear, hear.*] Now, I am obliged to say—and I say it with the utmost pain—that without this country doing things that were hostile to the North, and without men expressing affection for slavery, and outwardly and openly hatred for the Union—I say that there has not been here that friendly and cordial neutrality which, if I had been a citizen of the United States, I should have expected; and I say further, that if there has existed considerable irritation at that, it must be taken as a measure of the high appreciation which the people of those States place upon the opinion of the people of England. [*Hear, hear.*] If I had been addressing this audience ten days ago, so far as I know, I should have said just what I have said now; and, although by an untoward event circumstances are somewhat, even considerably, altered, yet I have thought it desirable to make this statement, with a view, so far as I am able to do it, to improve the opinion in England, and to assuage, if there be any, the feelings of irritation in America, so that no further difficulties may arise in the progress of this unhappy strife. [*Hear, hear.*] But there has occurred an event which was announced to us only a week ago, which is one of great importance, and it may be one of some peril. [*Hear, hear.*] It is asserted that what is called “International Law” has been broken by the seizure of the Southern Commissioners on board an English trading steamer, by a steamer of war of the United States. Now, what is maritime law? You have heard that the opinions of the law officers of the Crown are in favor of this view of the case—that the law has been broken. I am not at all going to say that it has not. It would be imprudent in me to set my opinion on a legal question which I have only partially examined against their opinion on the same question, which I presume they have carefully examined. But this I say, that maritime law is not to be found in an Act of Parliament; it is not in so many clauses. You know that it is difficult to find the law. I can ask the mayor,

or any magistrate around me, whether it is not very difficult to find the law, even when you have found the Act of Parliament and found the clause. [*Laughter.*] But when you have no Act of Parliament and no clause, you may imagine that the case is still more difficult. [*Hear, hear.*] Maritime law, or international law, consists of opinions and precedents for the most part, and it is very unsettled. The opinions are the opinions of men of different countries, given at different times, and the precedents are not always like each other. The law is very unsettled, and, for the most part, I believe it to be exceedingly bad. In past times, as you know from the histories you read, this country has been a fighting country; we have been belligerents, and, as belligerents, we have carried maritime law, by our own powerful hand, to a pitch that has been very oppressive to foreign, and peculiarly to neutral, nations. Now, almost for the first time, unhappily, in our history for the last two hundred years, we are not belligerents, but neutrals; and we are disposed to take, perhaps, rather a different view of maritime and international law. The act which has been committed by the American steamer in my opinion, whether it was illegal or not, was both impolitic and bad. That is my opinion. I think it may turn out, and is almost certain, that, so far as the taking those men from that ship was concerned, it was wholly unknown to and unauthorized by the American Government. And if the American Government believe, on the opinion of their law officers, that the act is illegal, I have no doubt they will make fitting reparation; for there is no Government in the world that has so strenuously insisted upon modifications of international law, and been so anxious to be guided always by the most moderate and merciful interpretation of that law. Our great advisers of *The Times* newspaper have been persuading people that this is merely one of a series of acts which denote the determination of the Washington Government to pick a quarrel with the people of England. But did you ever know anybody, who was not very near dead drunk, who, having as much upon his hands as he could manage, would offer to fight everybody about him? [*Prolonged laughter and cheering.*] Do you believe that the United States Government, presided over by President Lincoln, so constitutional in all his acts, so moderate as he has been, representing, at this moment, that great party in the United States, happily now in the ascendancy, which has always been specially in favor of peace, and specially in favor of England—do you believe that that Government, having upon its hands now an insurrection of the most formidable character in the South, would invite the armies and the fleets of England to combine with that insurrection, and it might be—though it did exasperate the struggle—render it impossible that the Union should ever again be restored? [*Loud cheers.*] I say that single statement, whether it came

from a public writer or a public speaker, is enough to stamp him forever with the character of being an insidious enemy of both countries. [*Cheers.*] Well, what have we seen during the last week? People have not been, I am told—I have not seen much of it—quite so calm as sensible men should be. Here is a question of law. I will undertake to say that when you have from the United States Government—if they think the act legal—a statement of their view of the case, they will show you that fifty or sixty years ago, during the wars of that time, there were scores of cases that were at least as bad as this, and some infinitely worse. And, if it were not so late to-night, and I am not anxious now to go into this question further, I could easily place before you cases of wonderful outrage, committed by us when we were at war, and for many of which, I am afraid, little or no reparation was offered. But let us bear this in mind, that during this struggle “incidents and accidents” will happen. Bear in mind the advice of Lord Stanley, so opportune and so judicious. Don’t let your newspapers or your public speakers, or any man, take you off your guard, and bring you into that frame of mind under which your Government, if it desires war, can have it with the public assent, or, if it does not desire war, may be driven to engage in it; for one may be as evil and as fatal as the other. What can be now more monstrous than that we, as we call ourselves, to some extent, an educated, a moral, and a Christian nation—at a moment when an accident of this kind occurs, before we have made a representation to the American Government, before we have heard a word from them in reply—should be all up in arms, every sword leaping from its scabbard, and every man looking about for his pistols and his blunderbusses? [*Cheers.*] Why, I think the conduct pursued—and I have no doubt it is pursued by a certain class in America just the same—is much more the conduct of savages than of Christian and civilized men. No, let us be calm. [*Hear, hear.*] You recollect how we were dragged into the Russian war—“drifted” into it. [*Cheers.*] You know that I, at least, have not upon my head any of the guilt of that fearful war. [*Hear, hear.*] You know that it cost one hundred millions of money to this country; that it cost, at least, the lives of 40,000 Englishmen; that it disturbed your trade; that it nearly doubled the armies of Europe; that it placed the relations of Europe on a much less peaceful footing than before; and that it did not effect one single thing of all those that it was promised to effect. [*Cheers.*] I recollect speaking on this subject within the last two years to a man whose name I have already mentioned—Sir J. Graham—in the House of Commons. He was a Minister at the time of that war. He was reminding me of a severe onslaught which I had made upon him and Lord Palmerston for attending a dinner of the

Reform Club, when Sir O. Napier was appointed to the command of the Baltic fleet, and he remarked, “What a severe thrashing”—[*laughter*—I had given them in the House of Commons. I said, “Sir James, tell me candidly, did you not deserve it?” He said, “Well, you were entirely right about that war; we were entirely wrong, and we never should have gone into it.” [*Loud cheers.*] And this is exactly what everybody will say, if you go into a war about this business, when it is over. When your sailors and your soldiers, so many of them as may be slaughtered, are gone to their last account; when your taxes are increased, your business permanently, it may be, injured; and when embittered feelings for generations have been created between America and England, then your statesmen will tell you that “we ought not to have gone into the war.” [*Cheers.*] But they will very likely say, as many of them tell me, “What could we do in the frenzy of the public mind?” Let them not add to the frenzy, [*hear, hear,*] and let us be careful that nobody drives us into that frenzy. Remembering the past, remembering at this moment the perils of a friendly people, and seeing the difficulties by which they are surrounded, let us, I entreat of you, see if there be any real moderation in the people of England, and if magnanimity, so often to be found among individuals, is not absolutely wanting in a great nation. [*Great cheering.*] Government may discuss this matter—they may arrange it—they may arbitrate it. I have received here, since I came into the room, a despatch from a friend of mine in London, referring to this question. I believe some portion of it is in the papers this evening, but I have not seen them. But he states that General Scott, whom you know by name, who has come over from America to France, being in a bad state of health, the General, lately, of the American army, and a man of reputation in that country not second hardly to that which the Duke of Wellington held during his lifetime in this country, General Scott has written a letter on the American difficulty. He denies that the Cabinet of Washington had ordered the seizure of the Southern Commissioners, even if under a neutral flag. The question of legal right involved in the seizure the General thinks a very narrow ground on which to force a quarrel with the United States. As to Messrs. Slidell and Mason being or not being contraband, the General answers for it that, if Mr. Seward cannot convince Earl Russell that they bore that character, Earl Russell will be able to convince Mr. Seward that they did not. He pledges himself that if this Government cordially agree with that of the United States in establishing the immunity of neutrals from the oppressive right of search and seizure on suspicion, the Cabinet of Washington will not hesitate to purchase so great a boon to peaceful trading vessels. [*Great cheering.*] Before I sit down, let me ask what is this people, about

which so many men in England at this moment are writing, and speaking, and thinking, with harshness, with injustice, if not with great bitterness? Two centuries ago multitudes of the people of this country found a refuge on the North American continent, escaping from the tyranny of the Stuarts, and from the bigotry of Laud. Many noble spirits from our country endeavored to establish great experiments in favor of human freedom on that continent. Bancroft, the greatest historian of his own country, has said, in his own graphic and emphatic language, "The history of the colonization of America is the history of the crimes of Europe." [*Hear, hear.*] From that time down to our own period, America has admitted the wanderers from every clime. Since 1815, a time which many here remember, and which is within my lifetime, more than three millions of persons have emigrated from the United Kingdom to the United States. During the fifteen years from 1845 or 1846 to 1859 or 1860, a time so recent that we all remember the events, even the most trivial circumstances that have happened in that time—during those fifteen years, more than 2,320,000 persons left the shores of the United Kingdom as emigrants for the States of North America. At this very moment, then, there are millions in the United States, who personally, or whose immediate parents, have at one time been citizens of this country, and perhaps known to some of the oldest of those whom I am now addressing. They found a home in the far West; they subdued the wilderness; they met with plenty there, which was not afforded them in their native country; and they are become a great people. There may be those persons in England who are jealous of the States. There may be men who dislike Democracy, and who hate a Republic; there may be even those whose sympathies warm towards the slave oligarchy of the South. But of this I am certain, that only misrepresentation the most gross, or calumny the most wicked, can sever the tie which unites the great mass of the people of this country with their friends and brethren beyond the Atlantic. [*Loud cheers.*] Whether the Union will be restored or not, or the South will achieve an unhonored independence or not, I know not, and I predict not. But this I think I know—that in a few years, a very few years, the twenty millions of free men in the North will be thirty millions, or even fifty millions—a population equal to or exceeding that of this kingdom. [*Hear, hear.*] When that time comes, I pray that it may not be said among them that in the darkest hour of their country's trials, England, the land of their fathers, looked on with icy coldness, and saw unmoved the perils and the calamities of her children. [*Cheers.*] As for me, I have but this to say,—I am one in this audience, and but one in the citizenship of this country; but if all other tongues are silent, mine shall speak for that policy which gives

hope to the bondsmen of the South, and tends to generous thoughts, and generous words, and generous deeds, between the two great nations that speak the English language, and from their origin are alike entitled to the English name. [*Great cheering.*]

LONDON TIMES ON THE SPEECH.

In any great crisis we are always anxious to hear Mr. Bright. His speech is waited for as a necessary preliminary to action. If insult has been done to us as a nation, if our commercial interests require a definite course of policy, and if the country is unanimous and we have all thoroughly made up our minds, we then instinctively pause, and wait for the speech of John Bright. They do the same thing at Rome when they have resolved to canonize a saint. There is a Devil's advocate, whose duty it is to pour cold water upon the general enthusiasm, and to show that the proposed saint, instead of being better, was rather worse than other people. It is a very useful institution, and therefore we have been always foremost in supporting that great analogous British institution, John Bright. The Irishman of tender conscience before he went to confession used to beat his wife in order that, in her wrath, she might remind him of all his sins. We have no necessity for any such cruelty towards our political shrew, for without any especial provocation he is always ready to recapitulate at the shortest possible notice all that can be said against England and in favor of her enemies. Something has been wanting hitherto in the discussions as to America. The rights of the question seemed to be all one way. The statements on the other side all turned out to be forged history and the arguments false reasoning. Yet we were not quite satisfied. Every one waited for John Bright's speech. From somewhere or other it was sure to come, and until it had been delivered it was not safe to predicate that all that could possibly be alleged against this country had been said.

This event has at length come off. Mr. Bright has done his accustomed office at Rochdale. We are sorry to find that he was constrained to be so careful in his choice. Speaking upon so vast a question as that of peace or war with one of the powers of North America, it might be expected that he would have chosen some conspicuous arena. Manchester, which made him a great public character; Birmingham, which sends him to Parliament; or London, which might afford an audience where wealth and intelligence would have mingled, might either of them have been some test of the general mind. Rochdale, however, is a mere nest of furnaces, and has no communion of sentiment with the country around, nor the least possible influence over the public opinion of the country generally. Perhaps it is not here a matter of much importance where Mr.

Bright speaks, but, as he speaks less for England than for the foreign newspapers, it is as well our neighbors should know that the sentiments which Mr. Bright wishes to disseminate just now are not those which he thinks it convenient to speak either in his own borough or in any of the great cities of the kingdom. It might sometimes appear that he fancied while speaking he was delivering his speech, as he said, "in the city of Boston, or the city of New York." But he has delivered himself of that which we wished to hear; and now, having heard the Devil's advocate, we can rest in comfortable security that there is nothing untold which can be said against us and our country. By far the larger portion of Mr. Bright's speech is made up of an elaborate defence of the enterprise of the Northern States to conquer and subdue the Southern States. With this we submit that we, as mere neutrals, have nothing to do, and Mr. Bright, as a peace man, has still less to do. An apology for the wholesale manslaughter which now infests the frontier States and desolates vast provinces is creditable to the zeal of Mr. Bright rather than to his humanity. It is nothing, however, to us. If Mr. Bright chooses to ride in blood up to his saddle-girths to put down the rebellious South, and to cry aloud and spare not, we have nothing to say against it, except to remark that the old Pennsylvanian leaven of intolerance appears to be extant in high preservation, and that it seems a pity Mr. Bright's energy and unscrupulous determination do not rule in the White House, instead of amusing a sixth-rate provincial town in England. We, however, are neutrals. It is for Mr. Bright to break neutrality, and to advocate the taking a part with one of these belligerents. It is for Mr. Bright to taunt every one who will not do a dishonest thing with a want of kindness and sympathy. We have with an almost judicial impartiality cautiously refrained from siding with either faction, and when Mr. Bright affirms that "*The Times* in this country has done all that it could to poison the minds of the people of England, and to irritate the minds of the people of America," we appeal at once to a public which is not very oblivious as to what appears in these columns, whether Mr. Bright has not publicly said that which is the opposite to the truth. If we have sinned on either side, it was in placing the worse side of our own case forward while the public indignation was yet rising, and when the law authorities had not yet determined the questions of international law. While the rights of the case were doubtful we felt that it was our duty to moderate, and not to excite, the popular feeling. General Scott himself has found the best support for his own weak defence of what has happened in a quotation from our first observations upon the intelligence of the outrage to our flag. We have every wish to give a

patient hearing to the Devil's advocate, but we object to his concentrating those things whereof his client is the father entirely upon us. We may not, perhaps, be prepared to accept Mr. Bright's creed as to the Yankee millennium, and to hound on the North to exterminate the South—as if the Anglo-Saxons of the South were not as much our kinsmen as the mixed races of the North; but we do not therefore accept the accusation that "the leading journal has not published one fair, honorable, or friendly article toward the States since Lincoln's accession to office." We have from the first advocated moderation, humanity, and peace. We have from the first deprecated a fratricidal war. We have shrunk from the sanguinary energy of the peace apostle of Rochdale, who has now learned to translate the advocacy of murder and massacre by the words "fairness," "honor," and "friendship." We have been content to stand aloof, and simply to recommend both parties to try negotiation, arbitration—any thing rather than a sanguinary civil war.

It is much to be feared that the portion of Mr. Bright's speech which relates to the question in dispute between the Federal States and this country will be by many considered to partake too much of the character of buffoonery to be upon a level with the importance of the subject. The sneer at "what is called international law," is surely rather worthy of a jester than a statesman, and the similitude of the United States to a man nearly dead drunk, and ready to fight anybody, is much more facetious than argumentative. But we have one grain of comfort. Mr. Bright has nothing to say in favor or in defence of the outrage committed upon our flag. He promises that upon some future occasion he will produce instances of many similar outrages committed by us fifty or sixty years ago. We disposed of this style of argument yesterday, and shall not condescend to reiterate the obvious answer to-day. Mr. Bright, however, has not added a line to the little the Americans and their advocates have said in excuse of what they have done. This is very reassuring. If Mr. Bright, who was supported at Rochdale by the United States Consul, and, no doubt, by all the aid which the United States can afford, was unable to do more than sneer at all international law, and, at the same time, to give up the outrage upon the British flag as "impolitic and bad," we are tolerably sure that we have heard all that can be said against England, and that she is indisputably right in taking the straight course to vindicate her honor. Let America judge by the speech of her greatest admirer in England how little can be said for her outrage upon a friendly, although a neutral, country. Let her know, also, that in this country even this comparatively moderate speech of Mr. Bright is but a voice without an echo.

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THE UNITED STATES AND ENGLAND.
THEIR INTERNATIONAL SPIRIT.

A LETTER TO RICHARD COBDEN, ESQ., M. P., BY JOSEPH F. THOMPSON, D. D., OF NEW YORK.

Richard Cobden, Esq., M. P.:

SIR: When I was in London, in 1852, you did me the honor to request my testimony with regard to the Public School system in the United States, to be laid before "A Select Committee of the House of Commons on the state of Education in Manchester." And when you were in New York, in 1859, I had the pleasure of introducing you in person to some of the largest of the city schools, and of thus acquainting you with the details of their administration. This public interchange of views upon the subject of popular education, so vital to the prosperity of both the English-speaking nations, emboldens me to proffer my testimony upon a question involving every interest of these nations, and which now has precedence of all others—I mean the *international spirit of England and the United States*. With questions of international law I shall not meddle. The "Trent Case" has already been disposed of by the Government of the United States, in a way satisfactory to the American people, and which, I trust, will be equally satisfactory to the Government and the people of England. But aside from that case, the tone of many of your journals toward the United States is denunciatory and warlike; and should this be met in the same spirit upon this side of the Atlantic, a collision of forces might speedily follow the angry strife of words. It therefore becomes thoughtful and patriotic men in both countries to endeavor to allay this unwarrantable tone of crimination, and to turn the thoughts of their countrymen to those great interests of constitutional liberty, of human freedom, and of Christian civilization, which England and the United States possess in common as a trust for mankind. This you have already done in your letter of Dec. 2, 1861, to the Mayor of Rochdale, so wise in its suggestions, and so admirable in its spirit of conciliation. Accept this, sir, as a humble response to that, in furtherance of the same end.

I write to you simply as a witness, concerning facts within my own knowledge, as to the spirit of the people of the United States toward the people of England, and as to the grave moral questions involved in our civil war. Argument, appeal, suggestion even, touching the duty of English Christians and philanthropists toward us in this struggle—all this is foreign from my thoughts. We do not appeal to England for sympathy or aid in the prosecution of a war for national integrity, constitutional government, and human freedom, against a rebellion sprung upon us by fraud and treason, and organized solely in the interest of slavery. We desire only the just judgment of the English people upon the facts of the case; and the moral

support of the Right which that judgment will assuredly bring. You, personally, do not require even the testimony that I propose to offer; but it may give value to this testimony in other quarters, if it is understood that you know the witness to be reliable upon the matters-of-fact. I shall confine myself to three points:

(1.) *The prevalent spirit of the people of the United States toward the people of England.*

(2.) *The social, political, and moral condition of the loyal States during this intestine war.*

(3.) *The bearing of the war for the Union upon constitutional liberty, human freedom, and Christian civilization.*

1. Though my distinct personal recollections cover hardly more than the lifetime of a generation, I have lived long enough to witness a complete and most favorable change in the popular feeling of the United States toward England. In my boyhood the *anti-British feeling* engendered by the war of 1812 was yet rife, and the successes of General Jackson in that war were the rallying-cry of his party in three successive Presidential campaigns. Still later, the large emigration to this country from Ireland, enabled demagogues who courted the Irish vote, to make political capital by denouncing the English Government, and avowing their sympathy with "O'Connell and Repeal." At the same time the renewed vigor of anti-slavery sentiment at the North—where it had been comparatively dormant since the final abolition of slavery by all the Northern States in which it had existed—awakened the jealousy of the South toward England as the earnest opponent of slavery and the slave-trade; and the Northern allies of the slaveocracy, for political effect, ascribed the abolition movement to "British gold." It was by this absurd cry that mobs were raised in the Northern States against Mr. George Thompson, (late M. P.,) and others—really Southern slaveholders' mobs raised in Northern cities, by appeals to the anti-British feeling which the South had so industriously fostered.

But during the past twenty years, the increased intercourse between England and America, by commerce and travel, especially since steam navigation was established upon the Atlantic; the frequent interchange of civilities between ecclesiastical bodies, literary and benevolent societies, authors, clergymen, artists, and others, in the two countries; in a word, the more intimate knowledge which Americans have gained of the spirit and the institutions of the English people, and the personal friendships which many Americans have formed with Englishmen, have completely eradicated from the intelligent and Christian people of the Northern States the traditional antipathies of 1812. The "Ashburton Treaty" of 1842 was regarded with wide-spread satisfaction, as having removed all occasion of misunderstanding between Great Britain and the United States; and the treaty of commercial reciprocity with Canada was welcomed not

only in the interest of trade, but as an additional bond of amity between the parent country and ourselves. During the Crimean war the sympathies of the *South* and her pro-slavery allies in the North, were unmistakably with Russia, in the hope of seeing England humbled as an anti-slavery power. Others at the North, whose sympathies are heartily with England as the champion of freedom in Europe, were temporarily alienated from her cause when they saw her upholding the Crescent, which they regarded as the symbol of a cruel despotism and fanaticism. Yet the more intelligent observers of Eastern affairs clung to England in that struggle, as the protector of civil and religious liberty alike against the fanaticism of the Mohammedan and the bigotry of the Greek. And in the direful days of the Sepoy rebellion, the sympathies of the Christian people of the North were unanimously and earnestly with England; for they honor her as the conservator of the rights of humanity and of Christian civilization in the East. The spontaneous but respectful enthusiasm of the people of the Northern States on the occasion of the visit of the Prince of Wales, must have given to England the fullest assurance of our national good-will. This was not the idle curiosity of a democracy to see the heir of the most illustrious throne of Europe and the world; it was the homage of a great, free, Christian nation, to the free, Christian, noble, Mother-nation, and its courtesy, as well, to the sovereign of that nation in the person of her son. The British flag, which some think us so eager to "insult," waved over our shipping and our public buildings; "God save the Queen," was heard in our streets and our churches; and pulpit and press echoed the words of peace and good-will. *Such* was the feeling of the people of these Northern States toward England at the outbreak of the Southern rebellion. Since then, the drift of public sentiment in England upon our national conflict has produced in us not animosity, nor alienation, but disappointment and regret.

Upon each side there have been at least two causes of misapprehension, which have tended to place each nation in a false position before the other. That portion of the English press with which we are most familiar, has been too readily assumed to represent the English people upon this question. In our generous appreciation of the English people as the friends of popular freedom under a constitutional government, we had overlooked the strength, energy, and persistence of that party in England which favors oligarchy in State and Church; and we were at first confounded with their voice as the voice of England! We had also assumed that the English were unanimous in their moral conviction against slavery; forgetting that, since the abolition of slavery had ceased to be a practical question in the British dominions, commercial and manufacturing interests, closely interlinked with slavery in the South, *might* pervert or overrule conscience in England, as

they had already to some extent in our Northern States. In a word, we had given England the credit of being more unselfish in this matter than ourselves; and hence our disappointment at discovering that her sympathies were not avowedly and unanimously with us, in a struggle which we of the North see to involve the preservation of constitutional liberty and the overthrow of slavery.

On the other hand, the people of England, as is quite natural, failing to distinguish between that *national* Government known as "the United States," and a mere *confederation* of independent sovereignties, have failed also to perceive that the question of the integrity of the Union is really with us a question of national life. Hence many among you, from the first, adopted the merely material view of our conflict which Earl Russell lately expressed—that it is "for empire on the one side, and for independence on the other." I shall return to this point,—barely noting here, that a radical misconception of our political structure has led the English people to undervalue the question of the supremacy of a Constitutional and National Government, which to us is the first question of the war.

A second cause of misunderstanding on the part of the English people lies in their want of familiarity with various currents and phases of anti-slavery sentiment in this country. They have estimated the strength of that sentiment by the strength and effectiveness of particular anti-slavery organizations—some of which have been obtruded upon their notice as the chief, if not the sole exponents of anti-slavery feeling in the North. As with the English abolitionists of thirty-five years ago, so with emancipationists in this country, there has been much diversity of opinion with regard to the *mode* of exterminating slavery, or of acting against the system; the question being complicated by the facts, that we had to deal with slavery on the broad scale upon our *own* soil; that the institution was hedged around with *State-laws*, unassailable from without; and that it gave to the South a leverage for elevating its own candidates to the Presidency, for which the North had no sectional or political counterpoise. Because of diversities of anti-slavery policy, mainly prudential, no one organization has ever represented more than a fraction of Northern sentiment against slavery. Hence the English public have been slow to recognize the moral forces which, working these many years through the pulpit and the press, the church, the school, and the family, had educated the North to that resolve to dethrone the political power of slavery, which first found expression in the nomination of Col. (now General) Fremont for the Presidency in 1856, and took effect in the election of Mr. Lincoln in 1860; and which the South, rightly interpreting as threatening the doom of slavery, seized upon as the occasion for a rebellion long plotted in the interest of slavery alone. Moreover, as

the hearty anti-slavery sentiment of the English people has failed to find expression through the representatives and the reputed organs of their Government, so the anti-slavery sentiment of the North, now well-nigh unanimous, has failed as yet to find its adequate expression through authoritative acts and utterances of the Government at Washington; and hence the great popular parties in both nations, which are really one in hostility to slavery, and should be visibly one in seeking its overthrow, are made to regard each other with suspicion and distrust.

But in spite of these causes of misunderstanding, and the disappointment and regret which the supposed attitude of England toward the United States in its struggle has produced throughout the North, I am confident that the spirit of the American people to-day is not hostile to England. The history of the Trent case is conclusive on this point. The news of the seizure of the rebel commissioners, Mason and Slidell, by the San Jacinto, awakened at the North grave apprehensions of difficulty with England; and the feeling was well-nigh universal, that all cause of offence to the Government of Great Britain should be avoided by the Government at Washington. In the general exultation at the arrest of these prominent conspirators against the Union, there was no disposition to "insult" the flag under which they were found at sea. By degrees, the array of precedents and decisions, mainly *English*, satisfied the popular mind that the act of Commander Wilkes was justifiable by international law, though technically a departure from the more just and liberal views of the rights of neutrals hitherto maintained by the United States. But while the public mind was thus made up as to the right of the case, and the resolve was taken to maintain national right and honor at any cost, there was also an avowed readiness to make reparation to England, if Commander Wilkes had transcended his powers, or to make any concession consistent with honor for the sake of peace with a kindred nation. The news of the extraordinary excitement which the affair of the Trent had produced in England, the warlike attitude of the British Government, and the menaces of the British press, surprised us in a state of calmness upon a question which had become quite secondary. These demonstrations, however, failed to excite a corresponding feeling in the American people, who cheerfully resigned the matter to their Government, which had thus far maintained a discreet silence upon the act of Commander Wilkes. And when the Government, by a stroke of the pen, reversed the popular verdict upon the case, its decision was acquiesced in by the press and the people with a unanimity seldom witnessed upon a question of national policy. Your knowledge of the American people, and your high sense of national honor, will assure you, sir, that this decision of our Government, acquiesced in by

the entire North, was prompted *only* by the spirit of a just and honorable conciliation. We have refused to make this affair an occasion of war with England, because by every interest of commerce, of freedom, of humanity, of Christian hope and progress for mankind, we are averse to war with England, and will not enter into it except for a cause which shall be at once just and inevitable.

I cannot deny that the belligerent attitude assumed by England in the Trent case has produced at the North a sense of injury which might be kindled into a feeling of hostility toward England. Here and there an overheated or designing politician may attempt to stir up such hostility. But the people of the North, as a whole, have no such feeling; and no politician of sagacity would so far risk his own reputation as to advocate a war with Great Britain. If the British Government shall meet all possible differences in the spirit of magnanimity with which the United States Government has met its demand for the rendition of Mason and Slidell, there cannot be a war between the two nations. And so far as the spirit of Americans toward England is concerned, the peaceable relations of the two countries will be maintained, unless England shall *force* a war upon us. In that event, history will record our part.

II. This Trent case is also pertinent in evidence upon the second point above referred to:—the present social, political, and moral condition of the loyal States. It has been asserted by a portion of the English press, that society in the North has become demoralized by war; that the press and the Government are at the mercy of a mob; that persons obnoxious to the populace are treated with indignity and violence; that prisoners of war are subjected to cruelty; and that political parties in the North are in a ferment which may at any moment break out into a second civil war. But in face of such assertions we have seen the Government dispose of this exciting affair, in direct opposition to the popular pre-judgment, and yet there has not been a public meeting in all the North to disapprove of that decision, not a solitary attempt to raise a party against the Administration upon this ground. Had Mason and Slidell been conveyed to Boston, New York, or Washington, for formal surrender to British authority, obnoxious as they are to the whole community, they would have been suffered to depart without molestation. *The mob spirit is nowhere apparent in the North.* In the first popular enthusiasm, after the assault upon the national flag at Fort Sumter, there were a few acts of violence toward persons and newspapers in open sympathy with the rebellion. But such acts, few and insignificant as they were, in comparison with the whole extent and population of the North, were promptly condemned by public sentiment, and have not been repeated. In New York, where elements of turbulence might be

looked for, there has been, since the war began, no attempt at a riot, and no indication of a riotous spirit in the community. There has been no increase of our police force; our State and municipal elections and our public holidays have passed in quiet; there are no indications of general distress; there have been no "strikes" among working-men; there is little apparent idleness, and even less than the average amount of vagrancy; the poor are well cared for by public and private charities; and the people, with one accord, meet the taxes and burdens of the war without clamor or repining. While there are diversities of view as to the policy of the Government, especially with regard to slavery, there is no organized opposition to the Administration; nor are there parties anywhere in the North arrayed against each other upon the great national issue now pending. Indeed, sir, should you visit New York to-day, except the sight of passing soldiers, you would find almost nothing to remind you that we are in a state of war. There is hardly a symptom of war to be seen north of the Potomac and the Ohio. While the people accommodate themselves to increased taxes and reduced incomes, the tone of society is cheerful, and even gay; and charitable, educational, and religious institutions are sustained with hardly less than usual liberality and vigor.

On the other hand, this state of quiet and unanimity is not enforced by the strong arm of Government. We are not consciously curtailed of our liberties; we have not suddenly exchanged a republic for a despotism. The sudden and critical emergency of a civil war springing from a well-compacted and widely-ramified treason, has compelled the Government to interdict whatever would give "aid and comfort" to the rebels, to arrest persons fairly suspected of that crime, and in extreme cases to declare martial law, for a time, in localities strongly in sympathy with the rebellion. But at no time has the country, or any considerable portion of it, been placed under martial law. Those extraordinary powers which the Constitution vests in the National Government for "suppressing insurrection," have been used in the main with a commendable moderation and discretion. They have not been oppressive to the people, for the heart of the people of the North is in the war, and they concede to Government for the time whatever constitutional prerogative is needful for the public safety. There is no censorship over the press. On the contrary, our daily newspapers criticize freely any and every measure of the Government. There is no surveillance over persons who have not challenged suspicion by conspiring with the rebels. The families of notorious rebels are living unmolested at the North, under the protection of the very Government which those rebels are seeking to destroy. Prisoners are here allowed all the comforts and privileges compatible with the public safety. I doubt whether one of this class could sustain before

an English jury a charge of cruelty, or even of neglect. Our National Congress has not vacated its privileges in favor of the Cabinet or of the Camp. It has appointed a commission to investigate the whole conduct of the war, and this commission summons before it Cabinet officers and Generals to give their testimony.

War must bring hardship and sometimes injustice to individuals. The recent order of the British Government forbidding the export of munitions of war, is doubtless felt by innocent manufacturers and merchants as a personal injury and loss. That order was issued upon the bare presumption of a war between England and the United States. But we are in the midst of a *civil* war; with a fierce and threatening rebellion to subdue upon our own soil; and military necessity must sometimes contravene the interests of individuals. I pray you, sir, disabuse the English public of the idea that we are become either a nation of monsters or a nation of slaves. I *know* whereof I affirm, when I thus declare to you, that notwithstanding the most dreadful provocations of cruelty on the part of the South, humanity and forbearance have marked the conduct of this war on the part of the North, and that the people of the North are jealous for themselves of the constitutional rights and privileges which the South has assailed.

III. Not to weary your patience, I pass to the third point above proposed, viz.: the bearing of the war for the Union upon constitutional liberty, human freedom, and Christian civilization. These are objects dear to every true Englishman; they are interests which the people of the United States possess in common with the people of England. But we can maintain and promote these interests on our part, only by preserving the Union as it now exists under the Constitution. The preservation of the Union is not a numerical nor a territorial question; not a mere question of population and empire. It is a grave misapprehension to conceive of this Union as, in any sense, a *Confederation of States*. The several States exist under the Union with their vested rights, just as the city of London has rights by charter which neither Crown nor Parliament can invade; and in a country so vast as the United States, it is only by such local subdivision and distribution of government that the popular element in government can be kept unimpaired. But the States, as such, did not frame the Union; nearly two-thirds of them have come into existence under the laws of the United States, as administered upon its own territories; and no State has any sovereignty as *against* the sovereignty of the United States in the sphere defined by the Constitution. The Convention of 1787, which framed the Constitution, distinctly rejected the plan of a *federation of States* which had prevailed since the colonies asserted their independence, and adopted the plan of a *popular National* Government. The preamble to the Constitu-

tion sets this forth in explicit terms: "We, THE PEOPLE of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." The United States, therefore, is a *Government*, representing the people in their nationality, and established for all the legitimate purposes of a National Government. Secession is simply disintegration; not the withdrawal of members from a confederacy, but the severing of the *nexus* that holds together a Constitutional Government and a free nation. Its principle, once admitted, disintegrates that Government which was established "to secure the blessings of liberty to ourselves and our posterity." What we contend for, therefore, in behalf of the Union, is not territory, nor numerical strength, but the vital principle of a Constitutional Government, ordained in and for freedom, now assailed at its very heart. Can Englishmen wonder that we have taken up arms in such a cause, or be indifferent to the result? Can they even appear to countenance that slave oligarchy which is the deadly foe of popular liberty? The war on the part of the loyal States is not for a commercial policy or system. The great agricultural West, whose interests and sympathies favor the utmost freedom of trade with England, has furnished the largest proportion of the army for the Union. But the West cannot suffer her great natural outlet, the Mississippi, to be disputed by a foreign power, nor could the commerce of the world endure to be disturbed by the frequent collisions and overturnings of divided nations occupying the territory of the once peaceful, thrifty, commercial United States. Our very life as an industrial nation, in which England has so large an investment, demands that political unity which the physical geography of our country also prescribes. But higher than its industrial and commercial interests, is the organic life of the nation acting through its constitutional forms. Without injury or provocation, the South has assailed that life, first by secret treason, then by open rebellion. We must put down this rebellion, or our constitutional liberty as a nation is gone; for if once the fatal precedent is admitted, that a just and equal Constitution, fairly administered, can be repudiated at will, and overthrown by violence, there is an end upon this soil to that most sacred principle of constitutional freedom and order which we have inherited from England. We dare not prove false to our trust. It is slavery that thus assails the life of the nation. *The dividing line between loyalty and rebellion almost exactly coincides with the line that divides the opponents of Slavery from its defenders.*

Hence the bearing of this war upon human freedom, and especially upon the emancipation of the black race in the South, to us is obvious

and most encouraging. The slave power in the South, united and persistent in its own interests, by taking advantage of commercial and political complications in the North, had long contrived to secure for itself the control of the National Government and the direction of public policy. The very Constitution so jealous for personal liberty, had been tortured into an instrument for the defence of slavery. This need not seem strange to Englishmen who remember how long political and commercial combinations baffled the noble philanthropy of Sir Fowell Buxton. Human nature, acting in commerce and politics, does not rise to any higher level here than it did in England in 1827, when Mr. Buxton said, "If a man had a large share of reputation, he would lose the greater part of it by espousing the cause of the slaves." But the moral sentiment of the North was at last aroused to the duty of denationalizing slavery, by forbidding its extension into any territory of the Union, and denying to it the protection of the National Government. This moral verdict of the North against slavery was felt at the South to be the death-blow of the system. Directly upon the election of Mr. Lincoln, the South determined to revolt, in order to perpetuate slavery under a new form of government, in which the subjugation of the black race should be the corner-stone. But this has precipitated the overthrow of the system.

The impoverishment and desolation of the South by war, and the stimulus already given to cotton culture in other parts of the world, must undermine slavery by the laws of political economy alone. But the rebellion of the South may put it in the power of our military commanders to abolish slavery as a measure of war. It has put it in the power of Congress to confiscate and so emancipate the slaves of all rebels, and perhaps to establish provisional governments in every seceded State, treating such State as a lapsed territory, and establishing therein the institutions of freedom. In these and other ways the war is preparing the destruction of slavery; and if to you, remote from the scene of action, our Government seems slow to use the opportunity thus given of perpetuating the Union by destroying its only foe, permit me to remind you how slow was the English Government to recognize the duty of abolishing slavery! how slow, again, to adopt those principles of free trade which are now England's prosperity and glory!

But whatever the attitude of Government, the sentiment of the North to-day against slavery, compared with that sentiment twenty years ago, is like the sentiment of England upon free trade to-day as compared with the time when the Manchester School began its agitation. Our war for Union is a war against slavery, and the friends of human freedom in England will assuredly be with us in the struggle.

But other interests of Christian civilization are involved in the preservation of the American Union. Its long period of peace and pros-

perity, its growth in numbers and in wealth, have favored, in this country, the diffusion of knowledge and Christianity, the advancement of science and art, and the development of every enterprise of piety and philanthropy. Side by side with England we have labored for the progress of the race in knowledge, in freedom, and in virtue, often exceeding her in our contributions for these ends. Such labors accord well with the genius of our people and of our institutions; but these can be prosecuted with vigor only on the condition that we remain a united people. Should the Union be divided, and the Northern States compelled to fortify and defend a frontier of thousands of miles against a jealous, aspiring, unscrupulous, vindictive Southern power, and to protect their commerce along an inhospitable coast, we should become of necessity a military nation, alienated from the genial pursuits of knowledge and labors of piety, and consuming upon an army and navy for self-protection, the millions that should be given to schools and churches at home, and to missions abroad. And if to this disruption should be added a war between the two leading nations of Protestant Christendom, how dark and disastrous were such a conflict, for the destinies of mankind! No generation has witnessed, no calculation can compute, such evils as would flow to posterity from a war of England, in the interest of slavery, upon the United States, while struggling to maintain the interests of Christian civilization against the barbarism of the South. But I yield to no such foreboding. The Christian people of England will be true to themselves, and to us also; and I close this letter with the words already entered in your Educational Blue-Book for 1853,—England will stand by the side of her first-born, whom she tutored into freedom, the hope and the defence of liberty, of education, and of religion for all mankind.

I am sir, with high consideration, your obedient servant,

JOSEPH P. THOMPSON.

NEW YORK, Jan. 7, 1862.

Doc. 3.

CONFEDERATE SEQUESTRATION ACT.

APPROVED AUGUST 30, 1861.

AN Act for the Sequestration of the Estates, Property, and Effects of Alien Enemies, and for the Indemnity of Citizens of the Confederate States, and Persons Aiding the Same in the Existing War with the United States:

Whereas, The Government and people of the United States have departed from the usages of civilized warfare in confiscating and destroying the property of the people of the Confederate States of all kinds, whether used for military purposes or not; and

Whereas, Our only protection against such wrongs is to be found in such measures of re-

taliation as will ultimately indemnify our own citizens for their losses, and restrain the wanton excesses of our enemies; therefore,

SECTION 1. *Be it enacted by the Congress of the Confederate States of America*, That all and every the lands, tenements and hereditaments, goods, and chattels, rights and credits, within these Confederate States, and every right and interest therein held, owned, possessed, or enjoyed by or for an alien enemy since the 21st day of May, one thousand eight hundred and sixty-one, except such debts due to an alien enemy as may have been paid into the Treasury of any one of the Confederate States prior to the passage of this law, be, and the same are hereby, sequestrated by the Confederate States of America, and shall be held for the full indemnity of any true and loyal citizen or resident of these Confederate States, or other person aiding said Confederate States in the prosecution of the present war between said Confederate States and the United States of America, and for which he may suffer any loss or injury under the act of the United States to which this Act is retaliatory, or under any other act of the United States, or of any State thereof, authorizing the seizure, condemnation, or confiscation of the property of citizens or residents of the Confederate States, or other person aiding said Confederate States, and the same shall be seized and disposed of as provided for in this act: provided, however, when the estate, property, or rights to be affected by this act were, or are, within some State of this Confederacy which has become such since said 21st day of May, then this act shall operate upon, and as to such estate, property, or rights, and all persons claiming the same from and after the day such State so became a member of the Confederacy, and not before: provided, further, that the provisions of the act shall not extend to the stocks or other public securities of the Confederate Government, or of any of the States of this Confederacy, held or owned by any alien enemy, or to any debt, obligation, or sum due from the Confederate Government or any of the States, to such alien enemy. And provided, also, That the provisions of this act shall not embrace the property of citizens or residents of either of the States of Delaware, Maryland, Kentucky, or Missouri, or of the District of Columbia, or the Territories of New Mexico, Arizona, or the Indian Territory south of Kansas, except such of said citizens or residents as shall commit actual hostilities against the Confederate States, or aid and abet the United States in the existing war against the Confederate States.

SEC. 2. *And be it further enacted*, That it is, and shall be, the duty of each and every citizen of these Confederate States speedily to give information to the officers charged with the execution of this law of any and every lands, tenements and hereditaments, goods and chattels, rights and credits, within this Confederacy, and of every right and interest therein held, owned,

possessed, or enjoyed by or for any alien enemy as aforesaid.

SEC. 3. *Be it further enacted*, That it shall be the duty of every attorney, agent, former partner, trustee, or other person holding or controlling any such lands, tenements or hereditaments, goods or chattels, rights or credits, or any interest therein, of or for any such alien enemy, speedily to inform the Receiver hereinafter provided to be appointed, of the same, and to render an account thereof, and, so far as practicable, to place the same in the hands of such Receiver; whereupon such person shall be fully acquitted of all responsibility for property and effects so reported and turned over. And any such person wilfully failing to give such information and render such account shall be guilty of a high misdemeanor, and upon indictment and conviction, shall be fined in a sum not exceeding \$5,000, and imprisoned not longer than six months, said fine and imprisonment to be determined by the Court trying the case, and shall further be liable to be sued by said Confederate States, and subjected to pay double the value of the estate, property, or effects of the alien enemy held by him or subject to his control.

SEC. 4. It shall be the duty of the several Judges of this Confederacy to give this Act specially in charge to the Grand Juries of these Confederate States, and it shall be their duty at each sitting well and truly to inquire and report all lands, tenements and hereditaments, goods and chattels, rights and credits, and every interest therein, within the jurisdiction of said Grand Jury, held by or for any alien enemy, and it shall be the duty of the several Receivers, appointed under this Act, to take a copy of every such report, and to proceed in obtaining the possession and control of all such property and effects reported, and to institute proceedings for the sequestration thereof in the manner hereinafter provided.

SEC. 5. *Be it further enacted*, That each Judge of this Confederacy shall, as early as practicable, appoint a Receiver for each section of the State for which he holds a Court, and shall require him, before entering upon the duties of his office, to give a bond in such penalty as may be prescribed by the Judge, with good and sufficient security, to be approved by the Judge, conditioned that he will diligently and faithfully discharge the duties imposed upon him by law. And said officer shall hold his office at the pleasure of the Judge of the district or section for which he is appointed, and shall be removed for incompetency, or inefficiency, or infidelity in the discharge of his trust. And should the duties of any such Receiver at any time appear to the Judge to be greater than can be efficiently performed by him, then it shall be the duty of the Judge to divide the section into one or more other Receivers' districts, according to the necessities of the case, and to appoint a Receiver for each of said newly-created districts. And every such Re-

ceiver shall also, before entering upon the duties of his office, make oath in writing before the Judge of the district or section for which he is appointed, diligently, well, and truly to execute the duties of his office.

SEC. 6. *Be it further enacted*, That it shall be the duty of the several Receivers aforesaid to take the possession, control, and management of all lands, tenements and hereditaments, goods and chattels, rights and credits of each and every alien enemy within the section for which he acts. And to this end he is empowered and required, whenever necessary for accomplishing the purposes of this act, to sue for and recover the same in the name of said Confederate States, allowing, in the recovery of credits, such delays as may have been, or may be prescribed in any State as to the collection of debts therein during the war. And the form and mode of action, whether the matter be of jurisdiction in law or equity, shall be by petition to the Court setting forth, as best he can, the estate, property, right, or thing sought to be recovered, with the name of the person holding, exercising supervision over, in possession of, or controlling the same, as the case may be, and praying a sequestration thereof. Notice shall thereupon be issued by the clerk of the Court, or by the Receiver, to such persons, with a copy of the petition, and the same shall be served by the Marshal or deputy, and returned to the Court as other mesne process in law causes, whereupon the cause shall be docketed and stand for trial in the Court, according to the usual course of its business, and the Court or Judge shall, at any time, make all orders of seizure that may seem necessary to secure the subject matter of the suit from danger of loss, injury, destruction or waste, and may, pending the cause, make orders of sale in cases that may seem to such Judge or Court necessary to preserve any property sued for from perishing or waste:

Provided, That in any case when the Confederate Judge shall find it to be consistent with the safe-keeping of the property so sequestered, to leave the same in the hands and under the control of any debtor or person in whose hands the real estate and slaves were seized, who may be in possession of the said property or credits, he shall order the same to remain in the hands and under the control of said debtor or person in whose hands the real estate and slaves were seized, requiring in every such case such security for the safe-keeping of the property and credits as he may deem sufficient for the purpose aforesaid, and to abide by such further orders as the Court may make in the premises. But this proviso shall not apply to bank or other corporation stock, or dividends due or which may be due thereon, or to rents on real estate in cities. And no debtor or other person shall be entitled to the benefit of this proviso unless he has first paid into the hands of the Receiver all interests or net profits which may have accrued since the 21st May, 1861, and, in all cases coming under this proviso, such debtor shall be bound to pay

over annually to the Receiver all interest which may accrue as the same falls due; and the person in whose hands any other property may be left shall be bound to account for and pay over annually to the Receiver the net incomes or profits of said property, and on failure of such debtor or other person to pay over such interest, net income, or profits, as the same falls due, the Receiver may demand and recover the debt or property. And wherever, after the ten days' notice to any debtor or person in whose hands property or debts may be left, of an application for further security, it shall be made to appear to the satisfaction of the Court that the securities of such debtor or person are not ample, the Court may, on the failure of the party to give sufficient additional security, render judgment against all parties on the bond for the recovery of the debt or property: *Provided further*, That said Court may, whenever, in the opinion of the Judge thereof, the public exigencies may require it, order the money due as aforesaid to be demanded by the Receiver; and if upon demand of the Receiver, made in conformity to a decretal order of the Court requiring said Receiver to collect any debts for the payment of which security may have been given under the provisions of this act, the debtor or his security shall fail to pay the same, then upon ten days' notice to said debtor and his security, given by said Receiver, of a motion to be made in said Court for judgment for the amount so secured, said Court, at the next term thereof, may proceed to render judgment against said principal and security, or against the party served with such notice, for the sum so secured, with interest thereon, in the name of said Receiver, and to issue execution therefor.

SEC. 7. Any person in the possession and control of the subject matter of any such suit, or claiming any interest therein, may, by order of the Court, be admitted as a defendant and be allowed to defend to the extent of the interest propounded by him; but no person shall be heard in defence until he shall file a plea, verified by affidavit and signed by him, setting forth that no alien enemy has any interest in the right which he asserts, or for which he litigates, either directly or indirectly, by trust, open or secret, and that he litigates solely for himself, or for some citizen of the Confederate States whom he legally represents; and when the defence is conducted for or on account of another, in whole or part, the plea shall set forth the name and residence of such other person, and the relation that the defendant bears to him in the litigation. If the cause involves matter which should be tried by a jury according to the course of the common law, the defendant shall be entitled to a jury trial. If it involves matters of equity jurisdiction, the Court shall proceed according to its usual mode of procedure in such cases, and the several Courts of this Confederacy may, from time to time, establish rules of procedure under this act, not inconsistent with the act or other laws of these Confederate States.

SEC. 8. *Be it further enacted*, That the clerk of the Court shall, at the request of the Receiver, from time to time, issue writs of garnishment, directed to one or more persons, commanding them to appear at the then sitting, or at any future term of the Court, and to answer under oath what property or effects of any alien enemy he had at the service of the process, or since has had under his possession or control belonging to or held for an alien enemy, or in what sum, if any, he is or was at the time of service of the garnishment, or since has been indebted to any alien enemy, and the Court shall have power to condemn the property or effects, or debts, according to the answer, and to make such rules and orders for the bringing in of the third persons claiming or disclosed by the answer to have an interest in the litigation as to it shall seem proper; but in no case shall any one be heard in respect thereto, until he shall, by sworn plea, set forth substantially the matters, before required of parties pleading. And the decree or judgment of the Court, rendered in conformity to this act, shall forever protect the garnishee in respect to the matter involved. And in all cases of garnishment under this act, the Receiver may test the truth of the garnishee's answer by filing a statement, under oath, that he believes the answer to be untrue, specifying the particulars in which he believes the garnishee has, by omission or commission, not answered truly: whereupon the Court shall cause an issue to be made between the Receiver and garnishee, and judgment rendered as upon the trial of other issues. And in all cases of litigation a copy of which shall be served on the opposite party or his attorney, and which shall be answered under oath within thirty days of such service, and upon failure so to answer, the Court shall make such disposition of the cause as shall to it seem most promotive of justice; or, should it deem answers to the interrogatories necessary in order to secure a discovery, the Court shall imprison the party in default until full answers shall be made.

SEC. 9. It shall be the duty of the District Attorney of the Confederate States, diligently to prosecute all causes instituted under this act, and he shall receive as a compensation therefor, two per cent. upon and from the fruits of all litigation instituted under this act: *Provided*, That no matter shall be called litigated except a defendant be admitted by the Court and a proper plea be filed.

SEC. 10. *Be it further enacted*: That each Receiver appointed under this act shall, at least every six months, and as much oftener as he may be required by the Court, render a true and perfect account of all matters in his hands or under his control under the law, and shall make and state just and perfect accounts and settlements under oath of his collections of moneys and disbursements of all matters separately, in the same way as if he were administrator of several estates of deceased persons by separate appointments. And the settlements

and decrees shall be for each case or estate separately, so that the transaction in respect to each alien enemy's property, may be kept recorded and preserved separately. No settlement as above provided shall, however, be made until judgment or decree of sequestration shall have passed; but the Court may, at any time pending litigation, require an account of matters in litigation and in the possession of the Receiver, and may make such orders touching the same as shall protect the interest of the parties concerned.

SEC. 11. When the accounts of any Receiver shall be filed respecting any matter which has passed sequestration, the Court shall appoint a day for settlement, and notice thereof shall be published consecutively for four weeks in some newspaper near the place of holding the Court, and the clerk of the Court shall send a copy of such newspaper to the District Attorney of the Confederate States, for the Court where the matter is to be heard, and it shall be the duty of said District Attorney to attend the settlement and represent the Government, and to see that a full, true, and just settlement is made. The several settlements preceding the final one, shall be interlocutory only, and may be impeached at the final settlements, which latter shall be conclusive unless reversed or impeached within two years for fraud.

SEC. 12. *Be it further enacted*, That the Court having jurisdiction of the matter shall, whenever sufficient cause is shown therefor, direct the sale of any personal property, other than slaves, sequestered under this act, on such terms as to it shall seem best, and such shall pass the title of the person as whose property the same has been sequestered.

SEC. 13. All settlements of accounts of Receivers for sequestered property shall be recorded, and a copy thereof shall be forwarded by the clerk of the Court to the Treasurer of the Confederate States, within ten days after the decree, interlocutory or final, has been passed; and all balances found against the Receiver, shall by him be paid over into the Court, subject to the order of the Treasurer of the Confederate States, and upon the failure of the Receiver for five days to pay over the same, execution shall issue therefor, and he shall be liable to attachment by the Court, and to suit upon his bond. Any one embezzling any money under this act shall be liable to indictment, and on conviction, shall be confined at hard labor for not less than six months nor more than five years, in the discretion of the Court, and fined in double the amount embezzled.

SEC. 14. *Be it further enacted*, That the President of the Confederate States shall, by and with the advice and consent of Congress, or of the Senate, if the appointment be made under the permanent Government, appoint three discreet Commissioners, learned in the law, who shall hold at the seat of Government two terms each year, upon notice given, who shall sit so long as the business before them shall require,

whose duty it shall be, under such rules as they may adopt, to hear and adjudge such claims as may be brought before them by any one aiding this Confederacy in the present war against the United States, who shall allege that he has been put to loss under the act of the United States, in retaliation of which this act is passed, or under any other act of the United States, or of any State thereof, authorizing the seizure, condemnation, or confiscation of the property of any citizen or resident of the Confederate States, or other person aiding said Confederate States in the present war against the United States, and the finding of such Commissioners in favor of any such claim, shall be *prima facie* evidence of the correctness of the demand; and whenever Congress shall pass the claim, the same shall be paid from any money in the Treasury derived from sequestration under this act: *Provided*, That said Board of Commissioners shall not continue beyond the organization of the Court of Claims provided for by the Constitution, to which Court of Claims the duties, herein provided to be discharged by Commissioners, shall belong upon the organization of said Court. The salaries of said Commissioners shall be at the rate of two thousand five hundred dollars per annum, and shall be paid from the Treasury of the Confederacy. And it shall be the duty of the Attorney-General, or his assistant, to represent the interests of this Government in all cases arising under this act before said Board of Commissioners.

SEC. 15. *Be it further enacted*, That all expenses incurred in proceedings under this act shall be paid from the sequestered fund, and the Judges, in settling accounts with Receivers, shall make to them proper allowances of compensation, taking 2½ per cent. on receipts, and the same amount on expenditures, as a reasonable expenditure in all cases. The fees of the officers of the Court shall be such as are allowed by law for similar services in other cases, to be paid, however, only from the sequestered fund: *Provided*, That all sums realized by any Receiver in one year for his services, exceeding five thousand dollars, shall be paid into the Confederate Treasury, for the use of the Confederacy.

SEC. 16. *Be it further enacted*, That the Attorney-General shall prescribe such uniform rules of proceedings under the law, not herein otherwise provided for, as shall meet the necessities of the case.

SEC. 17. *Be it further enacted*, That appeals may lie from any final decision of the Court under this law, in the same manner and within the same time as is now, or hereafter may be, by law prescribed for appeals in other civil cases.

SEC. 18. *Be it further enacted*, That the word "person" in this law includes all private corporations; and in all cases when corporations become parties, and this law requires an oath to be made by some officer of such corporation.

Sec. 19. *Be it further enacted*, That the Courts are vested with jurisdiction, and required by this act to settle all partnerships heretofore existing between a citizen and one who is an alien enemy; to separate the interest of the alien enemy, and to sequester it; and shall, also, sever all joint-rights when an alien enemy is concerned, and sequester the interest of such alien enemy.

Sec. 20. *Be it further enacted*, That, in cases of administration of any matter or thing under this act, the Court having jurisdiction may make such orders touching the preservation of the property or effects under the direction or control of the Receiver, not inconsistent with the foregoing provisions, as to it shall seem proper. And the Receiver may, at any time, ask and have the instructions of the Court or Judge, respecting his conduct in the disposition or management of any property or effects under his control.

Sec. 21. *Be it further enacted*, That the Treasury notes of this Confederacy shall be receivable in payment of all purchases of property or effects sold under this act.

Sec. 22. *Be it further enacted*, That nothing in this act shall be construed to destroy or impair the lien or other rights of any creditor, a citizen or resident of either of the Confederate States, or of any other person, a citizen or resident of any country, State, or Territory, with which this Confederacy is in friendship, and which person is not in actual hostility to this Confederacy. And any lien or debt claimed against any alien enemy, within the meaning of this act, shall be propounded and filed in the Court, in which the proceedings of sequestration are had, within twelve months from the institution of such proceedings for sequestration; and the Court shall cause all proper parties to be made and notices to be given, and shall hear and determine the respective rights of all parties concerned: *Provided*, however, that no sales or payments over of money shall be delayed for or by reason of such rights or proceedings; but any money realized by the Receiver, whether paid into the Court or Treasury, or still in the Receiver's hands, shall stand in lieu of that which produced said money, and be held to answer the demands of the creditors aforesaid, in the same manner as that which produced such money was. And all claims not propounded and filed as aforesaid, within twelve months as aforesaid, shall cease to exist against the estate, property, or effects sequestered, or the proceeds thereof.

[This act for the sequestration of the property of alien enemies, and for the indemnity of citizens of the Confederate States, and persons aiding the same in the war, was passed at the second session of the "Congress of the Confederate States of America," held at Richmond, Va., and approved by Jefferson Davis on the 30th day of August, 1861.]—*Ed. R. R.*

Doc. 4.

FORTS TAYLOR AND JEFFERSON,

HOW THEY WERE SAVED.

U. S. STEAMER MOHAWK, blockading off }
ST. MARK'S, FLORIDA, Oct. 28, 1861. }

Frank Moore, Esq., Ed. of the Rebellion Record:

SIR: I forward for publication in your valuable work an account of the important services during the winter of 1860-'61, by which were saved those "Keys of the Gulf," Forts Taylor and Jefferson. They instantly followed the resignations of Congressmen and other Government officers from South Carolina; the extraordinary military demonstrations in that State, and imitated successively in Georgia, Alabama, Louisiana, and Florida—before any act of secession had passed, while Fort Sumter was unoccupied, and while part of the people were uninstructed of the treacheries surrounding the late Administration—and were, if not the first, among the earliest manifestations of a jealous patriotism necessary for the maintenance of a country's integrity.

Occurring under my immediate observation, I will briefly narrate them: I was, as now, attached to the U. S. steamer Mohawk, commanded by Lieut., now Commander, T. Augustus Craven, employed in cruising for slavers off the island of Cuba. During September and October we were repairing at the Navy Yard at Pensacola, where were occasionally heard those unaccustomed expressions which are now recognized as the vernacular of rebellion. Repairs completed we returned to our station, and after a short cruise put in to Key West, our depot. November 14th the mail steamer Isabel arrived from Charleston, bringing the election returns and news of the revolt in South Carolina. The excitement produced was intense,—palmetto badges soon appeared in the streets, the rebellious acts were warmly endorsed by many of the most influential residents, and the measure bruited that all the cotton growing States would coöperate with South Carolina, and as a first and necessary step take possession of the Government defences at Pensacola, Key West, and Tortugas.

A week before this, Capt., now Quartermaster-General, M. C. Meigs had arrived to take charge of the works at Tortugas; he had travelled overland from Washington to Pensacola, stopping some time in Georgia, where he heard the same measure earnestly espoused, and from other causes he had become convinced of the peril our country has since encountered. At this time Fort Jefferson, at Tortugas, was at the mercy of any invader; though the walls were completed as to height, and the lower tier of ports finished, the upper embrasures were entirely open, and many temporary sally-ports had been left for the convenience of laborers with substantial bridges leading out to the sea wall. Fort Taylor, at Key West, was very considerably nearer completion and had the casemate

battery mounted, though still in the hands of Capt. Hunt, of the Engineers; Capt., now Brig.-Gen., J. M. Brannon, with a company of the First Artillery, occupying barracks about a mile and a half distant. The laborers at both forts were chiefly slaves, owned by those now arraying themselves against Government, and who, though determined eventually to possess the forts, were disposed to delay as long as possible on account of the revenue their otherwise unemployed "niggers" were yielding. They felt a confidence and security that the prey was at any time within their grasp—Tortugas seemed beyond escape, and at Key West was an armed band called the Island Guard, its captain the clerk at Fort Taylor, and an old rat at the Government crib; the First Lieut., editor of a scurrilous sheet devoted to secession; and as a body could be regarded with the satisfaction a corsair scans his crew—moreover some of the most responsible residents holding office under Government were committed that Capt. Brannon's company must march over their dead bodies to reach the fort!

It was determined to defeat these designs upon the forts, though the efforts would be embarrassed by the presence of officers openly advocating secession, who have since resigned and taken places in the rebel ranks, and the certainty that the undertaking would bring upon its authors the malignancy of an unprincipled horde, and would doubtless be unsustained by their respective departments.

Two semi-monthly lines of mail steamers connected Key West with Havana, the one with Charleston, the other with New Orleans. The "Magnolia" had sailed for New Orleans on the 15th (Nov.); the "Isabel" would leave for Charleston on the 17th; so on the evening of the 16th the Mohawk sailed "on a cruise," and the next morning ran in to Havana, where we boarded the mail steamers Cahawba and Bienville, departing, the one for New York, the other for New Orleans, requesting to be reported "after slavers;" as soon as these steamers were well clear of the Moro, our anchor was weighed and the next day we arrived at Tortugas. That same Sunday morning, at church time, Capt. Brannon, at Key West, quietly marched his company by a back path, sending munitions, stores, &c., around by water, and occupied Fort Taylor; Capt. Stanley having dropped the U. S. steamer Wyandotte into position where her battery commanded the long bridge leading from the island out to the fort.

Both forts were soon in a defensible condition. At Tortugas the temporary sally-ports were solidly filled in and the bridges cut away, the iron shutters of the lower ports closed and secured, and the upper embrasures bricked up, leaving narrow loopholes for small-arms.

The rage which this *ruse de guerre* produced throughout *secessia* beggars description.

Thus time passed until the second week in December, when these unordered proceedings,

having reached the Cabinet, were strongly disapproved by at least Cobb, Floyd, and Thompson; even many northern papers virtuously declaimed against measures so "irritating"! In consequence Capts. Meigs and Craven were "rapped over the knuckles" by their respective departments, and as occasion afterward afforded other officers who had made a display of patriotism were "pitched into on general principles."

In obedience to orders the Mohawk again started for her cruising grounds, and within a week, beside going ashore, succeeded in capturing two slavers, when we returned to Key West, where Capt. C. assumed the responsibility of remaining; though somehow at the departure of every steamer the rumor was current that we were about getting under weigh for Tortugas.

At length, in the latter part of January, one company of artillery arrived for Fort Jefferson. "While they were disembarking the steamer Galveston, of New Orleans, with a force on board to take the fort, appeared in sight; but discovering the steamer, (transport Joseph Whitney,) and probably understanding the object of her visit, did not approach or make any demonstration other than to put about and disappear."

The artillery brought but their field battery; Capt. Meigs, with accustomed energy, as soon as she was unloaded, took the steamer, and came up to Key West for six eight-inch guns from Fort Taylor, and the second day by the aid of the Mohawk's crew they were mounted in Fort Jefferson. From that time the Keys were safe, but many filibustering raids for their capture were designed—at one time a large number of "Conchs" * suddenly left the Key for the Bahamas, for the reason that "they didn't want to be made to march across that long bridge and be shot down by the soldiers in the fort."

A detailed account of the attending incidents of that period, of the novel plottings of the secessionists, the modes by which they were discovered and circumvented,—of the energetic measures which broke up and scattered the nest of mongrel traitors and preserved the islands for a safe Government depot and a delightful abode or resort for loyal Americans, would be one of the most interesting sketches of the rebellion, particularly to those acquainted with the peculiar construction of the original social fabric of the Key.

I am, respectfully, &c., your obedient servant,
DELAN VAN BLOODGOOD,
Assistant-Surgeon U. S. N.

* The "Conchs" are natives of the Bahama Islands, and are so termed from the quantity of shells found in that portion of the world. Mr. Samuel Whiting, at present (1861) the United States Consul at the port of Nassau, New Providence, says, in a letter to the editor of the "*Rebellion Record*," "There is but one drawback to my enjoyment here, and that is the ultra-secession proclivities of the "Concha." This is all the more strange when it is known that nine-tenths of all the Bahama trade is with the North."

Doc. 5.

MASS MEETING IN IRVING HALL,*

New York, Sept. 10, 1861.

THE announcement in the papers yesterday morning, says a New York contemporary, that the Hon. Joseph Holt, the representative Union man of Kentucky, would address the people of New York, called together through the rough and howling storm of last evening the largest audience which Irving Hall is capable of containing. Long before the hour for which the meeting was called every seat was occupied, and by eight o'clock every inch of standing room was as hotly contested as the heights to the west of Washington. There was a large number of ladies in the galleries.

The arrival of Mr. Holt was the signal for impetuous cheering—the whole audience rising, and waving hats and handkerchiefs. He was accompanied upon the platform by Peletiah Perit, Chas. H. Marshall, John Jay, Peter Cooper, Prosper M. Wetmore, Roswell C. Hitchcock, S. B. Chittenden, and others of the Chamber of Commerce, at whose solicitation he had consented to speak.

Wm. E. Dodge, Esq., called the meeting to order, and nominated Peletiah Perit chairman of the meeting. The nomination was unanimously acceded to.

Mr. Perit, on taking the chair, said: We are assembled this evening, to give a public reception to our distinguished fellow-citizen, the Hon. Joseph Holt, of Kentucky, (applause,) who is accidentally with us. Mr. Holt has been drawn to this city by business motives, and had not intended to take any part in any public demonstration; but he has kindly yielded to the solicitations of the committee of the Chamber of Commerce and many distinguished citizens, and honors us with his company this evening. (Applause.) It might be a proper introduction to the proceedings of this evening to advert to a few of those important events which have given special prominence to Mr. Holt before the public at this time. We all of us remember that doleful interval in our history when the Executive Government appeared to be paralyzed; when the army of the United States, under the ingenious arrangements of Mr. Floyd, had been scattered through remote regions, and was unavailable for any important purpose; when the best arms of the Government had been carefully sent to those States which were ripe for secession; and when the navy of the United States was scattered throughout remote parts of the earth, inaccessible to the orders of the Government. It was under these circumstances that Mr. Holt accepted the appointment of Secretary of War, (cheers;) and I am sure that I do not transgress the limits of truth when I say that it was

owing to his firmness, and patriotism, and vigor, in a great measure, that our Government was saved from ruin. (Applause.) I am sure that I utter the sentiments of all this large audience, when I say that we owe to Mr. Holt—there are due to him from every patriotic citizen—cordial acknowledgments and everlasting gratitude for the services which he has rendered. I have the honor to introduce Mr. Holt to the Assembly.

SPEECH OF HON. JOSEPH HOLT.

FELLOW-CITIZENS:—It is to me a source of boundless rejoicing that the freemen of Kentucky are still permitted to call the freemen of New York their fellow-citizens. Traitors within and traitors without have striven unceasingly to drag that noble Commonwealth from the moorings of her loyalty, and to send her adrift upon that stormy sea of rebellion and treason on which so many of our States are being wrecked, but their seductions and their threatenings have proved alike unavailing. In spite of all their violence and of all their treacherous efforts to rend them asunder, New York and Kentucky stand this night before the world as sisters. The freemen of Kentucky are still the brethren of the freemen of New York, bound together by the same blessed memories, kindled by the same transporting hopes, and animated by the same lofty, inflexible resolve to maintain the Union of these States, whatever expenditure of life and of treasure the patriotic struggle may involve. Kentucky has not now, she never has had, the slightest sympathy with those conspirators who, at the head of armies, and in the mad pursuit of power, are now reddening their hands in a nation's blood. She abhors them as Rome abhorred Catiline, as the American people abhor Benedict Arnold, as Christians abhor the memory of Judas Iscariot. That abhorrence was fully expressed in her recent election; and yet, in defiance and in contempt of that overwhelming popular demonstration, the public papers now assure us that the secessionists are actively engaged in machinations to plunge that State into the horrors of civil war, simply and solely because she has refused to follow the example of Faust and sell herself to the Devil. If this be true, and, like the political bandits of Mexico and South America, they atrociously insist upon appealing from the popular vote to the sword, and strike the first blow, I predict it will then appear that the Union men of Kentucky, with all their sincere love of peace and desire for it, carry bullets as well as ballots in their pockets.

Fellow-citizens, I wish I had language in which adequately to convey to you my most grateful sense of the warm and cheering reception with which you have honored me to-night, and my sincere thanks to the distinguished chairman of this meeting for the graceful and flattering terms in which he has presented me to you. The very slight services which it has been my fortune to render to our common country, and to which he has referred in words of

* Reprinted from the revised report in the *Louisville Journal*.

such hearty approval, have no claims to the generous appreciation which they have here and elsewhere received. Had I, with better fortune, been able to accomplish infinitely more, I should only have done my duty; while I should have been abased in my own esteem, and utterly infamous before the world, had I done any thing less.

When I accepted from the Chamber of Commerce the highly-prized honor of appearing before you to-night, it was with the distinct understanding that I would not inflict upon you a set political harangue. An elaborate discussion of those topics which now so painfully occupy the public mind is not at all necessary before the loyal men of New York. The fearful import of current events, and the stern duties which these events impose upon all who truly love their country, are too well understood by yourselves to make it incumbent upon me on this occasion to seek either to explain them or to impress them upon your consciences. A few thoughts, however, somewhat in connection with a journey which I have recently made through several of the loyal States, may be properly submitted for your consideration.

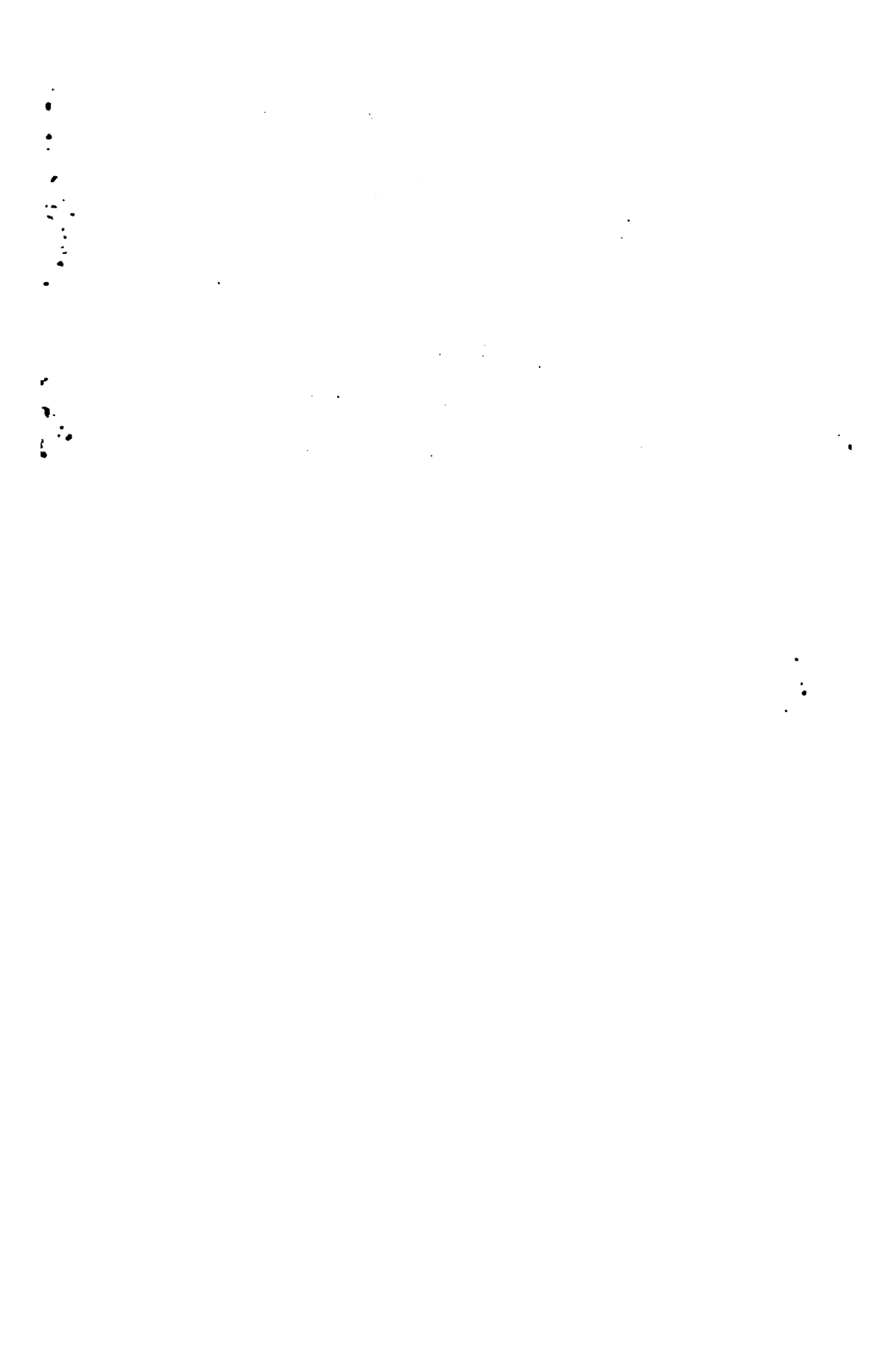
Everywhere, I have found the most healthful and encouraging condition of the public sentiment in reference to the prosecution of this war; nowhere have I met with threatening or bluster, or any feeling of exasperation against the people of the South, but at every point, a calm yet stern determination to sustain the Government, mingled with a sadness whose depth and tenderness I should in vain endeavor to describe. Strong and brave men, while speaking to me of our national dissensions and sorrows, have wept, and I honored them for it; for if a brave man cannot weep over the threatened ruin of such a Government and country as ours, where is there the catastrophe, where the tomb that could touch his heart? Everywhere all seem now to realize that this is not a war upon the people of the South, but rather in their defence, and for their deliverance. If it were indeed waged against them, we might well lay our faces in the dust and confess that our glorious institutions are a failure; but it is waged against a band of conspirators, who, having usurped the government of that distracted portion of our country, have established a military despotism there, and are, in the selfishness and remorselessness of their ambition, kindred in guilt to the very worst of those profligate men who in other ages and lands have disturbed the repose of nations.

The public mind no longer occupies itself with discussions as to the causes of this war, nor wastes its logic in exposing the monstrosities of the doctrine of secession. In the light of current and recent events, we well know what secession was intended to accomplish, and bitterly do we know what it has accomplished, and we would now no more think of gravely examining its character and tendencies

to prove it treasonable, than we would think of analyzing the kiss of Judas to show that it was full of the poison of treachery.

Equally matured is the public judgment as to the consequences which would flow from the success of the rebellion. The providences of God and the most sacred compacts of men have made us one people, and the experience of three-quarters of a century has demonstrated that in this unity of government, of country, and of people consist at once our greatness and our happiness. To dismember these States now, and cast their wretched fragments upon the wild and bloody torrent of revolution to become the prey of every audacious spoiler, would be as fatal to our repose and freedom as a nation, and to all our hopes of future prosperity, as the severance of our own bodies would be fatal to the life that is within us.

Equally fixed is the public mind in reference to the character of this war. It is not one of aggression, or conquest, or spoliation, or passion, but, in every light in which it can be regarded, it is a war of duty. The struggle is intensely one for national existence; and so hallowed in its spirit and aims, that the flock and the pastor, those who worship around, and those who minister at the altar, may contribute alike their blood and treasure in its support, in full assurance, that in so doing they come up only to the requirements of a Christian and patriotic life. It is a war of duty, because under our Christian civilization no nation can commit suicide without the perpetration of a cowardly and infamous crime; but, morally at least, that nation does commit suicide, which surrenders up its life to an enemy from which courage and manhood could have saved it. It is a war of duty, because we have no right to bear our fathers' names and insult their memory by giving up, to be trodden under the feet of traitors, the noble institutions purchased by their blood. It is a war of duty, because we have no right to bestow our names upon our children stripped of that grand inheritance which belongs to them, and for the transmission of which we are but the appointed agents of the illustrious men who won it by the sword, and with their lives. It is a war of duty, because, devoted as we profess to be to law and order and to the highest interests of civilization, it is among our most pressing obligations to rebuke and chastise the daring crime, which, through the Southern rebellion, is being committed, not only against ourselves, but against the very race to which we belong. It is finally a war of duty, because we have assumed to ourselves as a people, the special championship, at once, of the right and of the capacity of man for self-government, and that assumption has been accepted by the lovers of freedom everywhere; and now, with the nations looking down upon us, as from the seats of some vast amphitheatre, we cannot, without treachery to our trust and complete self-degradation, suffer this sacred and sublime cause to be stricken





1862 Gen. G. B. Stearns N. Y.

FRAZAR AUGUSTUS STEARNS.

ADJUTANT OF BRIG. MAJOR. U. S. A.





Painted by Geo. P. Turner, N. Y.

FRAZAR AUGUSTUS STEARNS.

ASSISTANT SIBERIAN MAIL VIZ.

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down upon the battle-fields of the South and left to perish there amid the jeers and contempt of kings and despots. How often and how exultingly have they prophesied this day, and how have they longed for its coming! In the essential antagonism of their institutions to ours, and in their intense abhorrence of that system of government which gives the honors and fortunes of the world to the toiling millions, who are the architects of both, how gladly would each one of them to-day build a monument to the skies, provided he could inscribe upon it these words: "In memory of the great Republic of the United States; founded by Washington, destroyed by Toombs, Twiggs, and Floyd!" What a record for humanity would that be!

Fellow-citizens, I do but utter a truth which is now sadly present to all minds when I say that the disloyalty in our midst, especially at Washington and in the border States, has been a fruitful source of disaster and discouragement since the very commencement of this fearful struggle. This evil has assumed, under the forbearance of the Government and people, such startling proportions, that its suppression is everywhere felt to be a paramount duty on the part of the Administration. Its prevalence has been marked by the same treacheries and gross excesses which have been its unflinching characteristics in other ages and countries. Next to the worship of the Father of our spirits, the love of our native land is at once the strongest and the noblest sentiment of which our nature is susceptible. When that sentiment has been corrupted, like an arch from which the keystone has been withdrawn, the whole moral character seems to tumble into ruins. The public and private prodigality of traitors and spies, both male and female, is vouched for by all history, and indeed has well-nigh grown into a proverb. The man who will betray his country will betray his God; he will betray his kindred and friends, and, if need be, the wife of his bosom, and the children of his loins. This evil is to be overcome, not by mobs—whose action is for every reason to be deplored—but by the intrepidly exerted authority of the executive branch of the Government, fearlessly assuming all responsibility, and by the yet more crushing power of public opinion, branding disloyalty as socially and politically infamous, whenever and wherever encountered. The Government can never attain to the moral power required to subdue this rebellion until society, whose corruption and ruin it seeks, shall have the courage within its own circles, and at its own firesides, to denounce and stigmatize treason and traitors as they are denounced and stigmatized by the Constitution and laws. Suppose you lived in one of those cities where there is not only a steam fire engine but a paid company to operate it, retained by the corporation, and your house being on fire and this engine and company vigorously at work to extinguish it, suppose you saw from

time to time men creeping out of the crowd and stealthily letting their knives into the hose from which the water was seen to spout in every direction, upon the street and pavements, how long do you think the presence of such miscreants would be tolerated? But suppose, upon looking more closely into their faces, you should discover that quite a number of these men were members of the fire company, receiving their salaries from the very treasury to which you yourself had contributed. In the first burst of your indignation, would you not feel that if the wretches were thrown into the flames they were thus indirectly feeding, their punishment would not be too severe? And yet this has been precisely the condition of the Government of the United States. The hose with which the Administration has been striving to extinguish the fires of this rebellion, has been cut and cut continually by faithless and shameless ingrates living upon the public treasury. Vigorous and well-directed measures have been adopted to purge the Executive Departments at Washington of these traitorous hose-cutters, and good progress has been made in the patriotic work. From the manner, however, in which information continues to reach the enemy, no doubt many of them yet remain, and are daily betraying the hand that feeds them. In this hour of imminent national danger, and threatened calamity, none should be allowed to remain a moment in the public service whose loyalty is not above all suspicion, and no loyalty can now be trusted which is not open and known of all, and which is not ardent and unceasing in its manifestations. Stringent steps too have been taken in the treatment of spies and men otherwise disloyal outside of the public service, and the country has not only approved but has warmly applauded what has been done. The rebel clamor against the suspension of the action of the writ of Habeas Corpus, has not disquieted anybody's nerves. The popular intelligence fully comprehends that the Constitution and laws were established to perpetuate the existence of the Government, and not to serve as instruments for its overthrow by affording immunity to crime and perfect freedom of action to traitors. It may be safely assumed and declared that neither the private fortune nor the personal freedom of any man or set of men can be permitted to stand in the way of the safety of a republic upon whose preservation depend the lives, the fortunes, and liberties of more than twenty-six millions of people. The Union must be preserved and the rebellion must be suppressed, and the country will sustain the Administration in the assumption and unhesitating exercise of all powers absolutely necessary for the accomplishment of these ends. A large part, however, of the disloyal men in our midst are beyond the reach of the observation and vigilance of the Government, and the correction of the evil must, therefore, largely depend upon the condemnation of public opinion. The men who give aid

and comfort to the enemy by secretly furnishing them information, by advocating their cause, by sowing dissension in our midst, by insidiously discouraging loyal citizens from entering the military service, are more fatally the foes of our country than if they were in the ranks of the Confederate army, and they are, morally at least, as guilty of the death of those who fall in defence of the Government as if they had met them with loaded muskets on the battle-field—and they should be treated accordingly. I repeat it emphatically, they should be treated accordingly. In railroad cars, and on steamboats, in every thoroughfare, and in every business and social circle, disloyalty should be reprobated and blasted as a leprous and loathsome thing. When, therefore, such men offer you their hands, look well to them, and if you have the eyes which I have, you will see that they are stained with the blood of brave and true men—it may be your kindred and friends—who have perished and are perishing still upon the battle-fields of the South, and you will turn away from them with indignation, scorn, and disgust.

There are doubtless men—few in number, I think—who sincerely believe that—the question of public honor out of view—the Republic could be severed, a peace patched up, and that the two confederacies would live on thereafter as prosperously as before. A more false and fatal thought never crept, serpent-like, into an American bosom, and that man must be utterly unread in human history who can entertain it for a moment. You might as well expect that the boat which has been turned adrift above the cataracts of Niagara will have a tranquil voyage. If you will stand, as some of us have done, amid the ruins of the crumbled empires of the old world and ask them, they will all answer you, it is a delusion. If you will enter the cemetery of nations, and lay your ear to the sepulchres of those young and brave, but passion-led republics which have perished amid the convulsions of civil strife, they will tell you in accents of brokenness of heart, it is a delusion. But if you will not listen to the voices of the past, go to Mexico and South America, and ask the inhabitants of those bright lands, breathed upon, as they are, by the finest climates of the earth, occupying soils of exhaustless fertility, and living amid rivers and lakes and mountains of grandeur and of inspiration, and lifting up their bowed heads, amid demoralization, and poverty, and dishonor, they will tell you, it is a delusion.

I rejoice to believe that the spirit of loyalty dwells at this time richly and abundantly in the popular heart of the North and West. But I do beseech you—you who have so deep a stake in the present and in the future of our country—you men of culture, of fortune, and of moral power—I do implore that by all means possible you will add yet further to the power and to the fervor of that loyalty. If it grows cold amid the calculations of avarice or craven

under the discouragements of defeat, our country will be overcome. What the crisis demands is a patriotism which will abide the ordeal of fire; which is purified from all selfishness and from all fear; which is heroic and exhaustless, and which vows with every throb of life, if repulsed, it will rally, if stricken down, it will rise again; and that under the pressure of no circumstances of reverse or sorrow or suffering shall the national flag be abandoned or the honor of the country be compromised. What we need is a patriotism that rises to a full comprehension of the actual and awful peril in which our institutions are placed, and that is eager to devote every power of body, and mind, and fortune, to their deliverance—a patriotism, which, obliterating all party lines and entombing all party issues, says to the President of the United States: "Here are our lives and our estates, take them, use them freely, use them boldly, but use them successfully; for, looking upon the graves of our fathers, and upon the cradles of our children, we have sworn that, though all things else should perish, this Government shall live." That man who thinks of party organization, and party spoils, and who seeks to distract and divide the public mind with petty questions as to how the Government shall be administered, at a time when the enemy is at the very doors of the Capital declaring that there shall be no Government, is, in my judgment, false to the first and highest duty of an American citizen. When the children of the republic have been summoned as a band of brothers to battle for its very life, and when the banner of that republic is floating mournfully over tented fields, every wrangling flag of faction or of party that dares lift itself in its presence, should be spurned as a flag of disloyalty, if not of treason. It is such a patriotism as this, and such only, that will conduct you to victory, and I have unspeakable gratification in knowing that it is now being thoroughly awakened throughout the loyal States.

The capitalists of the country, risking every thing, have come forward with a grandeur of devotion to the country, which, while it will excite the astonishment of Europe, has already inspired the admiration and gratitude of every true American heart. All honor to them. They have proved that if there is much gold in Wall street, there is yet more patriotism there—not a summer patriotism that flourishes amid the paeans of victory, but a patriotism which struggles and sacrifices and suffers, even in the winter of adversity and amid the very gloom of national humiliation. Unless the American people can thus feel, there is imminent danger that the sun of our national life, now obscured, will yet go down forever amid storms and darkness. If all our great material interests are depressed and desolated by the shadow now resting upon that sun, what would be our condition were that shadow deepened into the night of permanent defeat? Is there nothing

to live for but the gains of our commerce and the embellishment of our estates and homes—nothing but our personal ease and comfort? Are honor and manhood and loyalty and national fame and the respect and homage of the world nothing? Is it nothing to live without a country and without a flag, without a future for ourselves and our children, and to stand forth the degenerate and abased descendants of a great ancestry? We might indeed abjectly lay ourselves in the dust and be stripped by traitor hands of all that ennobles and sweetens human existence, and still live on as do the cattle of the fields; but our lives would be far more ignoble than theirs. If, with all our vast material resources, and our known and acknowledged superiority of physical force over the rebels; if with all the profuse avowals of devotion to our institutions which we have so clamorously made, we still suffer this rebellion to triumph over us, I verily believe that the American name will become a stench in the nostrils of the world, and that an American citizen will not be able to walk the streets of a European Capital without having the finger of scorn pointed at him, and without being covered with contumely and derision.

If I might be permitted to speak a single word upon such a subject, I would earnestly counsel patience and forbearance in reference to those charged with the administration of the Government. Before criticizing, we should remember that we may not see the whole field of action, and may not therefore be in condition justly to appreciate the difficulties to be overcome. No man can doubt the courage or the loyalty of the President of the United States, or his determination to suppress this rebellion. To him, under the Constitution, the public voice has absolutely committed the fate of the Republic; his hands are emphatically your hands, and in weakening him, you necessarily weaken yourselves, and weaken the struggling country we are all laboring to save. He, too, is at this moment overwhelmed with mountains of toil and of responsibility, such as have pressed upon no public man in our history, and he is fully entitled to all the support and consolation which a generous and warm-hearted patriotism can possibly give him.

Fellow-citizens, amid all the discouragements that surround us, I have still an unflinching faith in human progress and in the capacity of man for self-government. I believe that the blood which the true and the heroic lovers of our race have shed upon more than a thousand fields, has borne fruit, and that that fruit is the Republic of the United States. It came forth upon the world like the morning sun from his chamber; its pathway has been a pathway of light and glory, and it has poured its blessings upon its people in the brimming fullness with which the rivers pour their waters into the sea. I cannot admit to my bosom the crushing thought that, in the full blaze of the Christian civilization of the nineteenth century, such a

Government is fated to fall beneath the swords of the guilty men now banded together for its overthrow. I cannot, I will not believe that twenty millions of people, cultivated, courageous, and loyal—twenty millions of the Anglo-Saxon race—bearing the names of the heroes of the Revolution and passing their lives amid the inspirations of its battle-fields, will ignominiously suffer their institutions to be overturned by ten millions, nearly one-half of whom are helpless slaves with fetters on their hands. No page of history so dark and so humiliating as this has yet been written of any portion of the human family, and it were far better that the American people should never have been born than that they should live to have such a history written of themselves.

The skirts of the loyal States are free from the guilt and wretchedness of this fratricidal strife. History will bear testimony how zealously, how unceasingly, and I must add, how successfully the Government of the United States has striven to protect all the constitutional rights and institutions of the South, despite of all that the South herself has done and is doing to sacrifice them. The blows we are now called upon to strike, we will deal standing upon the threshold of our national life, and they will fall upon those who, under the promptings of a maddened ambition, would, with armed hordes, cross that threshold and destroy us. Let us then thoroughly rouse and nerve ourselves to the great work of duty that is before us. If it is to be done well, it should be done quickly. If we would spare both blood and treasure, we should move promptly and nightly. Were it possible at this moment to precipitate the whole physical force of the loyal States as an avalanche upon the South, it would be a measure not only of wisdom and economy, but eminently one of humanity also. Let us have faith and hope and courage, and all will yet be well.

Fellow-citizens: I feel that I may have spoken to you with more emphasis and with more earnestness of suggestion than I am privileged to employ in your presence. If I have done so, you will forgive the freedom—I know you will—to that terrible conjuncture of public affairs in which it is my fortune to address you. If I had more interest than you have, or less interest than you have, in the tragic events and issues to which we have referred, you might well distrust me; but I have precisely the same. If this Union is dismembered and the Government subverted, the grave of every earthly hope will open at my feet and it will open at your feet also. In the lives of families and of nations there arise from time to time emergencies of danger which press all their members into the same common council chamber; and when the tempest is raging at sea, and all nautical skill seems at fault, and the laboring, quivering vessel shrieks out from every joint the agony of the conflict, all who are on board—like the humblest sailor and the obscurest passenger—

may rightfully speak, on that great principle of our nature which no human institutions can modify and no human despotism can subdue—the right of self-preservation. Even so, amid the heady currents of this national tragedy, I, but an humble citizen of our distracted and bleeding country, have ventured to lift up to-night the voice of counsel and of entreaty in your hearing.

SPEECH OF WILLIAM CURTIS NOYES.

FELLOW-CITIZENS: Mine is a very humble office after the patriotic utterances to which you have just listened. I have no claim to trespass upon your indulgence, and there is nothing, I fear, in what I shall say that will attract much of your attention, after the eloquence to which you have just given such deserved and excellent attention. But I feel, on an occasion of this sort, that even the humblest efforts may be of some service in such a public emergency as that upon which we are now thrown; and I esteem it a privilege, as well as an honor, that I have been invited by the Chamber of Commerce to make a few remarks, and to offer the resolution which I shall presently propose for your adoption.

It is only a short year ago that the people of this country were engaged in their peaceful pursuits, and preparing for a Presidential election. That election came on; it was conducted with great propriety and decorum throughout this land; it resulted in a way with which you are all acquainted, according to the forms of the Constitution. Immediately there was a traitorous and corrupt appeal to the power of the sword to reverse the vote of the people, lawfully and constitutionally given. At that period, the distinguished gentleman who has addressed you was serving in the councils of the nation with quiet distinction. (Applause.) He was unaware that traitors were seated at the same board with him, preparing the engines of destruction for him and his people, and for all the people of this country, without the knowledge of their associates. He was transferred shortly after to the War Department, (applause, long and loud)—wisely transferred; and when civil war had been inaugurated by those traitors who had employed the resources and the means of the Government to destroy its existence, he came forward manfully and heroically against those with whom he had been in pleasant communion, and he declared their true character, and took measures for the protection of the Constitution and the Union. (Loud cheers.) He found the Ship of State drifting in the hands of incompetent, careless, and corrupt officials; he checked her progress in that direction, and put her forward on that career of glory which she is yet to accomplish. (Great applause.)

This civil war, as I have said, had been commenced. We have heard a great deal of the evils of civil war; but there is a greater evil than civil war. It is a greater evil to have an inefficient, useless, if not a corrupt President.

(Applause.) It is a greater evil to have a corrupt Administration. It is a greater evil to have general, popular, political degeneracy. It is a greater evil to find men who have taken an oath of allegiance to the country, an oath to support the Constitution, ready to violate the one and break down the other. These are greater evils than civil war, because they inevitably produce it; and they have led to the consequences which have deluged this country in blood. I look to the trial through which we are passing, as designed in the order of Providence to correct the evils of which I have spoken, and to bring out, as it has brought out, the patriotic feeling of the people, and to bring men forward to devote their money, their time, their labor, and their blood, to the correction of these public abuses, to the restoration of nationality to the country, to the preservation of its integrity and its original Constitution, (loud cheering,) and to the purification of all our channels of public life. (Renewed applause.) Depend upon it, this struggle could not have come at a more propitious period. We are apt to look upon it with alarm, and to fear that the country is inevitably going to destruction. But I look at this moment as the starting-point in a career of distinction and national honor, the like of which this country nor any other country has ever yet attained. (Applause.) I have been told by some people that I am too hopeful; such is not naturally my temperament, but I am hopeful in this matter because I see that wealth, untold wealth, has within the last year been providentially poured into our lap, and kept there, as if to provide for this very emergency. In less than six months we have saved upward of thirty million dollars by the non-exportation of specie, and upward of fifty million dollars by lessened importations, thus giving us nearly one hundred million dollars for the service of the country and the cause of liberty. (Applause.) More than that, the wealthy men and corporations of Wall street have come forward and given their money in this just cause. But this is not all. Go to the Assistant Treasurer's office, and there you will find the people in the ordinary walks of life, where there is as large if not a larger amount of patriotism than anywhere else. (Cheers.) You will find all are coming forward: the washerwoman, the chambermaid, the cook, the laborer, the cartman—all who have money laid away for old age or infirmity are coming forward, to place it in the public stocks of the country, knowing that it is the best security that American citizens can have. (Loud applause.) Do not, then, let us be discouraged; let us live, and hope, and fight! (Great cheering.) This war has not been commenced by us; it has never been favored by any Union-loving man. It has been forced upon us by a traitorous conspiracy; thirty years of machinations were necessary to bring it about; we are engaged simply in a war of self-defence. (Great applause.) We defend the

integrity of the Constitution; we defend the nationality of the Union; we defend the nationality of our mountains and our rivers, none of which will we permit to be divided. (Loud cheers.) We are engaged, therefore, in a holy cause—as holy as that in which any nation or any people can be engaged—that of fighting for its own liberties and the Constitution bequeathed to them by their fathers. Although it is not generally the case, (certainly it is not the case with Union-loving men,) yet the people of the South have been induced by falsehood to believe that the North designed to destroy their material interests, and they have been induced to hate the North. We must remember that we are engaged with an enemy having a common origin with ourselves, having a hatred against us which we have not against them, and that we are to meet no mean antagonists. I do not say this for the purpose of discouragement. I say it only for the purpose of inducing you to believe, with me, that the best way and the surest way to put an end to this war soon, is to come up to the measure of its importance with the whole heart and the whole strength, and all the material force of the country. (Applause.) Many good causes have been lost, many good battles have not been won, because the antagonist has been undervalued. That is our danger; we must not run upon it. Let every man induce his neighbor to believe, and let all our people compel every man in our public councils to believe, and let all act on the belief, that this is a war in earnest. We have been very anxious that other nations should not treat the rebels as belligerents; let us come up to that standard, and let us treat them as belligerents. (Cheers.) Let us come up to that standard, waging a war of self-defence; waging it in order to accomplish peace; that being the only legitimate end of the war. But in order to have peace, we must have such an outpouring of effort, such a multitude of soldiers, that the North will come down like an avalanche upon the South, and drive those who stand in rebellion against us, where they deserve to go, into the gulf which bounds their shores. (Applause.) A single word about compromise, peace-meetings. I render here my grateful thanks to Tammany Hall for the rebuke which it has given to Mozart Hall. (Tremendous applause. "Three cheers for Tammany Hall." "Three cheers for Mozart," followed by groans.) That venerable Democratic organization has uttered the true Democratic doctrine, and I wonder at the want of wisdom, or the little wisdom in a portion of the Democratic party which did not accept the liberal offer of another party to combine for the Union; so that we could be henceforth and forever all Republicans and all Democrats. (Cheers.) Let these peace-meetings be held, but give them a proper place where they can be held. We must have no peace-meetings until peace has been accomplished. (Cheers.) It is leaping before you come to the stile to have peace-meetings now.

(Applause.) If they are to be held before that time, there is a snug little place on the Hudson River where they may be held with convenience; there is a little bay on the shore of the Hudson where the Adjutant-General of the British army met Arnold in the darkness of night and commenced the concoction of treason; that is the place for peace-meetings. (Loud cheering.) If that locality does not suit, let them go to a neighboring State; and they can find a feeble prototype of their corruption, dishonor, and traitorous conduct, by going to Hartford. (Cheers and laughter.) No; as the speaker who has addressed you has said, these peace-meetings are all out of place; they are traitorous; and he who recognizes a man who attends these peace-meetings as his friend, has the simple honor of recognizing a traitor to his country. (Great applause.) One word further. There has been a tone of discouragement in talking about our public affairs that was calculated to depress effort, to encourage the enemy, and to discourage, what is most important of all, the men who have gone to the field to hazard their lives for their country. This is all wrong—all wrong. You never do so in your private affairs, never! If you are defeated in what you conceive to be an honest and a laudable effort, even seventy times seven, you go to work and try it again. As it is with individuals, so should it be with nations. We have a holy cause; we are precipitated into this war against our will and despite our efforts to prevent it. There was not an evil which the South has claimed to prevail against them, which could not have been redressed under the Constitution, and according to its forms; and if they are temporarily successful because of their greater efforts, and being earlier in the field, and having made preparation, all we have to do is to meet it by a corresponding effort on our part, and success is as certain as the progress of Time. (Applause.) We must not, therefore, discourage our fellow-citizens, or our army; nor should we do any thing to discourage the Administration. Let me speak plainly here; there is a tendency on the part of the public and the press to speak evil of men in high places, hastily and without cause. This may be an unwelcome truth to you, but nevertheless I entertained it, and I am bound to speak my mind frankly. The moment a man occupies a public place, that very moment he is a mark for the finger of scandal to be pointed at; and so much is this the case that many wise and pure men will not employ the means necessary to secure public position, nor accept office, because they know their motives and acts are constantly liable to be misrepresented. You can and ought to correct this. My friends, when the traitor who preceded our distinguished guest in the War Department retired, what was the condition of things? Where was the army? There was none. Where was the navy? Scattered all over the world. There were three vessels, I believe, carrying some-

thing like twenty-four guns, to protect the entire three thousand miles of our sea coast. (Laughter.) Where was the Cabinet? They were traitors. Where was the Senate? Many of its members were traitors. The new Government came in empty-handed. The Capital could have been taken then, if the rebels had only had the courage to attempt it. And now what have we seen? Six months have elapsed, and we have an army of two hundred thousand men; we have a navy which we have never surpassed—a navy which is beginning to make itself felt. (Loud applause.) A navy, the officers of which, if permitted to act according to their own judgment and without much restraint, will do what Lord Cochrane did on the coast of France, and what Nelson did in the course of his career. The men are there; their courage is unquestioned; their patriotism may be relied upon and they will save the country. All this has been created by an Administration which came into power within six months. I say, glory to such an Administration! (Cheers.) Instead of finding fault, we should honor them for it. They have done more than most men could have done with such feeble materials, in so short a period of time.

We should go forward and sustain them, and discouragement should have no place in our minds. We shall have then a reaction, but it will be reaction in favor of constitutional liberty and in favor of the integrity of the Union, and then foreign powers will recognize us as belligerents. (Hear, hear.) And more than that, they will award to us the honor of advancing in the cause of freedom as only such freemen as we are can advance. (Cheers.) And now, Mr. President, I have to express my thanks to the honorable gentleman from Kentucky for the eminent public services which he has rendered—(applause)—not only in behalf of the Chamber of Commerce, but in behalf of the city of New York, (cheers,) and I know I may say in behalf of the State of New York. (Applause.) New York gives her hand to Kentucky. (Shakes hands with Mr. Holt amid tremendous cheering.) She will give both hands, with her heart in them, to Kentucky. (Renewed cheering.) You, sir, found the Government in a condition of great depression; you gave it an impetus which brought it out of the rough sea in which it was wallowing. Nearly three centuries ago another Republic, at the period of its lowest depression, manfully acknowledged it by placing upon its coins for a device, a ship in full sail, but knocked down into the trough of the sea, having for its motto, "Who knows whither fate is sweeping her." ("Incertum quo fata ferent.") We drift, we know where, and you, sir, gave us the impetus for that drift. (Cheers.) Go on, sir, in your work of patriotism and benevolence; go through the country and rouse it by the eloquent appeals that you can make, such as we have listened to to-night. (Applause.) Go on, sir, and may God prosper you in it; you will receive as great a future reward

in bringing this country to its right position upon these questions as the great orator of Athens received when he made his denunciations against Philip of Macedon. (Loud cheering.) I beg leave to offer in conclusion, sir, this resolution:

Resolved, That the Hon. Joseph Holt, of Kentucky, by his unsullied character, in private as well as in public life; by his unflinching devotion to the Constitution and the Union; by the prompt and successful measures promoted by him for their defence, and for the protection of the Capital when in imminent peril from traitorous domestic foes; by his patriotic efforts throughout the country, and especially in his own State, in rallying the people to the support of the National flag and our National integrity, and by his stirring and eloquent appeal on this occasion, has entitled himself to the gratitude of his countrymen and to the admiration of the lovers of freedom and free popular institutions everywhere; and that the thanks of this assembly be, and they are hereby gratefully tendered to him.

Doc. 6.

GENERAL HILL'S REPORT,

AND THE ACCOMPANYING DOCUMENTS.

Explanatory of the steps taken by his command to intercept and pursue Gen. Garnett's army in Virginia and Maryland.

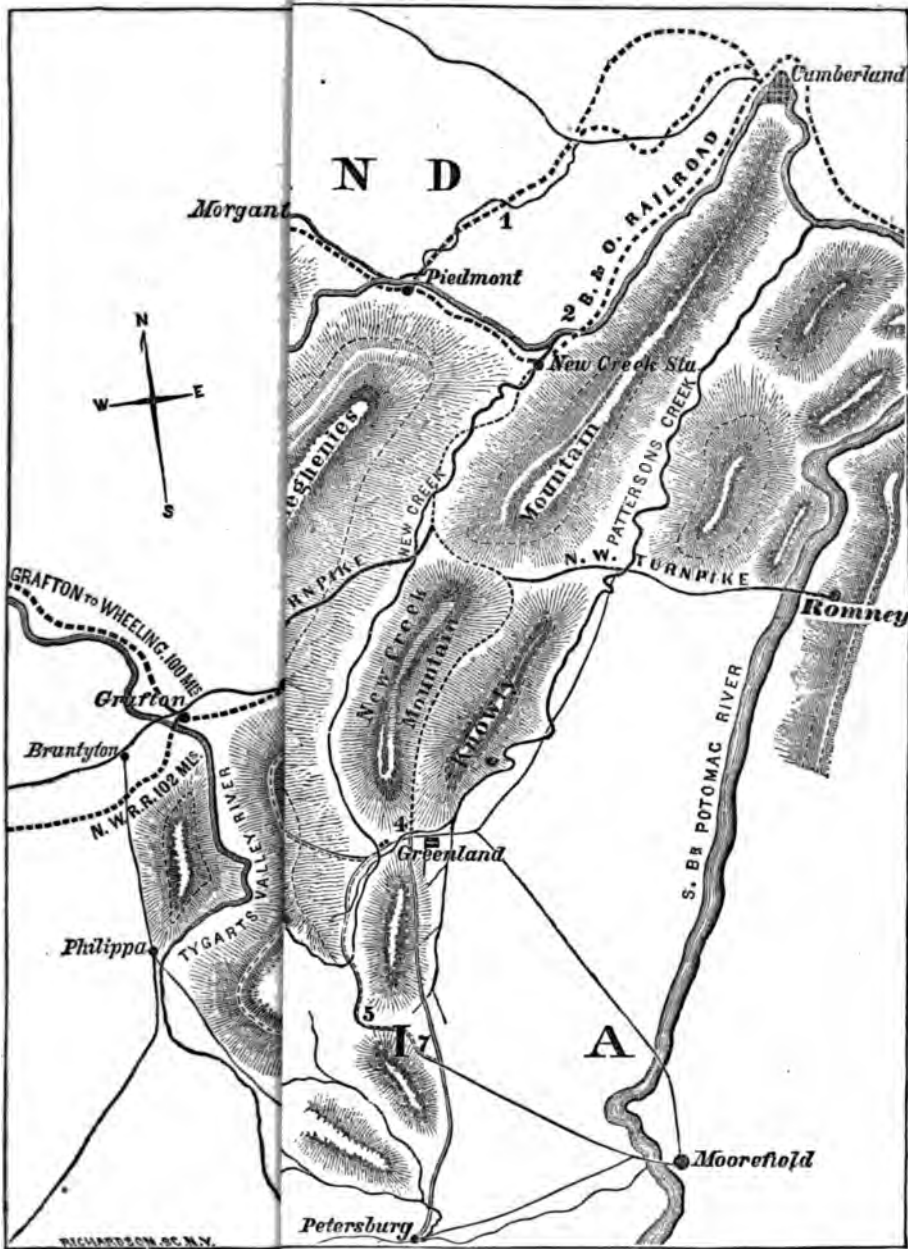
HEAD-QUARTERS U. S. VOLUNTEERS, }
GRAFTON, July 22, 1861. }

To Maj.-Gen. G. B. McClellan, Commanding the Department of the Ohio:

SIR: I have the honor to submit the following statement of facts, showing the operations of my command, in attempting to intercept the retreat, and to capture a portion of General Garnett's army from Laurel Hill. When I was first assigned to duty here, the Cheat River line was in the hands of Col. J. Irvine's command, (16th Ohio regiment,) and he continued in charge of the line until the night of the 15th inst.

On the first instant I went over the line with Col. Irvine from Rowlesburg to the Cheat River bridge, five miles above and then gave him in writing all of the instructions which I had received from the Department head-quarters, touching that line. The instructions, as given to me and thus imparted, contemplated Rowlesburg as the point of support, on the railroad, and West Union, distant thirteen miles, as the place for the advance guard to the eastward, with scouts further east, and as soon as practicable, an advance guard toward, or at St. George. Intermediate points were to be held, and for the whole, including the protection of three bridges on the railroad, the garrison was to be increased early to one thousand men.

From the 4th to the 6th inst., a minute reconnaissance of the line was carried on by my order, by Col. Charles Whittlesey and Major



- burned by Rebels July 12.
 — burned by Rebels July 12.
 — Potomac River, burned by Rebels in the afternoon of
 — the Rebels July 15.
 — by orders of Major-General McClellan.
 — topography of the country along the different lines of march.

J. B. Frothingham, Engineers, and the conclusions arrived at, reported on the 6th to Department head-quarters.

On the 7th inst., twenty-five cavalry to serve as Videttes, couriers, and pickets were added to Col. Irvine's command, as had also been a six-pounder field-piece.

On the 12th inst., six companies of the Ohio Eighth, under Col. Depuy, had joined Col. Irvine, moving in by way of Oakland and Chisholm's Mill; and the garrison at Rowlesburg, and thence five miles up Cheat River, was held by six companies of the Ohio Fifteenth under Col. G. W. Andrews, and two companies of the First Virginia.

On the 9th, Col. Irvine telegraphed me as follows:—"Our increased knowledge clearly indicates the occupancy of the Junction [Red House] as the proper position for our troops." Referring him to the instructions already given and the views of Col. Whittlesey and Major Frothingham, Col. Irvine was informed on the same day by telegram that he must act on his best judgment.

On the 12th inst., Col. Irvine telegraphed me that he intended to move eastward along the northwest pike. He says, "My main force will be at the mill mentioned, (Chisholm's,) eight miles from Oakland, with a strong advance guard at the Red House, say two hundred or three hundred men." Our telegraphic correspondence was frequent each day, and conducted with a view to keep each other fully advised of all material facts.

On the 18th of July I was called in from Webster at about eleven A. M., and then I received a telegram from Major S. Williams, Assistant Adjutant-General, dated the 12th, at Beverly, and at Roaring Run the 13th, saying:—"Gen. McClellan having just learned that the rebel forces abandoned their position at Laurel Hill last night, and are now making for Eastern Virginia, via the Louisville [Leedsville] and St. George pike, directs that you take the field at once with all the force that you can make available to cut off their retreat. Two Pennsylvania regiments at Cumberland have been directed to proceed forthwith to Rowlesburg by a special train and report to you. You can for the time being withdraw several companies from points on the railroads between Wheeling and Parkersburg and concentrate them by special trains. It is supposed you will be able to take the field with say six thousand men, including Col. Irvine's command and at least four guns. No time is to be lost. * * * The rebel force under Garnett are said to be to-night about six miles from Leedsville. Morris is following them up."

I immediately telegraphed Col. Irvine:—"The rebels are driven out of Laurel Hill and in full retreat eastward on St. George's pike. Hold your position with firmness to the last man. I will reinforce you in person, and with all available forces as soon as possible."

It was not deemed safe to depend upon any
Sur. Doc. 3

of the Pennsylvania troops, (none came at any time or reported.) The suggestion of six thousand troops and four guns was supposed to be an approximate rule. To comply with it, near four thousand troops in detachments scattered along the line of the two railroads to Parkersburg and Wheeling would have to be gathered up, supplied with a reasonable amount of baggage teams, forage, and six days' rations; and horses and harnesses must be obtained for the three guns in battery at Grafton. Requisitions were therefore made, and by reaching to Parkersburg and near Wheeling, the figures were brought up to about five thousand four hundred men, including detachments from the Fifth, Eighth, Thirteenth, Fifteenth, Sixteenth, Eighteenth, Twentieth, and Twenty-second Ohio, with a few artillerists and cavalry and detachments from the First and Second Virginia regiments. These troops were almost entirely destitute of horses, harness, and baggage wagons, and nearly all of those subsequently obtained being otherwise appropriated, were to be got by force only. The orders were all given and answers obtained, except as to baggage teams, by three P. M. of the 18th. The troops and three guns, to be moved from Grafton, were much delayed for the want of horses, harness, and wagons, and the first train, with four companies of infantry, was not able to leave for Oakland until after four P. M. I went in that train, and arrived in Oakland about eleven P. M. The second train from Grafton, with a few more infantry of the Twentieth, three guns, and twenty-five cavalry, came up soon after. For all on these two trains there was but one baggage wagon, and that belonged to Col. Morton of the Twentieth. As soon as the horses of myself and staff could be got off from the cars, and a guide obtained, all of the infantry, (three companies,) not required for guard duty, were ordered forward to Chisholm's Mill, with Major Walcutt and Captain Bond of my staff, to report to Col. Irvine. They arrived there about four A. M. of the 14th. Found no troops there, and leaving the three companies to rest, went on and reported in person to Col. Irvine, at West Union, at about six o'clock A. M., a few minutes before he received news that the rebels had already passed the Red House at five A. M., eight miles further east. Cols. Irvine and Depuy immediately called to arms and went in pursuit, Major Walcutt following, as soon as possible, with the three companies marched by him from Oakland. Capt. Bond returned to Oakland to notify me, but, owing to the fatigue of his horse, did not arrive until nine A. M. Anticipating the arrival during the night of several other trains, including that having the horses, wagons, and harnesses ordered to be taken and brought on, I had given orders for such as should come up to march at daylight, by way of Chisholm's Mill, not then knowing any other way to reach Red House Junction. Several trains were known to have been on the way, in time to arrive at Oakland long before daylight. The train, with horses,

wagons, and harness, was reported to be at Rowlesburg before twelve o'clock the preceding night.—This property was separated, and portions of it were said to be at Cranberry Summit the next morning at nine o'clock; all trains but the two first were equally and unaccountably delayed. From daylight until nine o'clock my utmost efforts with the telegraph seemed to avail little, or nothing. The regimental commanders, Cols. Dunning, Stanley, Morton, Smith, and Turley, were equally balked by railroad detentions. Without waiting further, the twenty-five cavalry and a few of Col. Morton's Twentieth Infantry had formed to move on, when Captain Bond arrived, at nine a. m., with news of the escape as before stated. Before this I had believed with entire confidence that the line was occupied as stated in Col. Irvine's telegram of the 12th, instead of which, it now appears that his troops were at West Union, eight miles west of the Red House, where the Horse-Shoe-Run road, travelled by the rebels, intersects the northwest pike; and it also appears, by the statements of Lieut. H. A. Myers and Aungier Dobbs of the cavalry attached to Col. Irvine's command, that all scouts and pickets had been withdrawn by Col. Irvine's order from that road early on the 18th, and the road left entirely clear all night long. (On this subject see Col. Irvine's report herewith presented.)

As soon as possible after Capt. Bond's arrival at Oakland, the horses were taken from Col. Morton's baggage wagon and hitched to one of the guns, and with the few of Colonel Morton's infantry then arrived, started in the pursuit; while I moved on with as much despatch as possible with my aid, Capt. Bond, a guide, and the twenty-five cavalry.

At Red House I found the gun sent to Col. Irvine some days before, one company of his infantry, and a few prisoners captured that morning. Ordering forward all but eight of the cavalry, I stopped a few moments to gather information, and make dispositions rendered necessary in consequence of the (since found to be erroneous) reports that there was a body of rebel troops yet to come up; I moved forward again with five of the cavalry, and soon overtook Cols. Irvine, Depuy, and their commands, which were halted about six miles east of the Red House. A council was immediately called, including the field officers and captains of all the companies, in order to learn the actual condition of the men and all other facts that should govern the action of the command. A free interchange of facts and opinions occurred, when the facts found and opinions arrived at were, that the enemy had passed Red House about three thousand strong, including from three to five guns and several hundred cavalry, before five o'clock in the morning, the artillery covering the rear; that the very sparse settlements along the line of march had been and were being so stripped of provisions by the enemy, that no reliance could be placed upon getting any kind of supplies in their track;

that none of the companies that marched over the night before from Oakland had had any supper; and that very few, if any, in the whole command had had any breakfast, and the haversacks were almost entirely empty, and wholly so with the most of the men. There did not appear to be on an average one day's rations for the men then on the march drawn from the Commissary and unconsumed. For the whole, but one wagon, and all there was in the way of means of transportation, provisions, camp equipage, and cooking utensils had been left in the rear and in camp. The whole force then in the column, I think, did not exceed thirteen hundred men. If the pursuit continued, the march for many miles must be over the ranges of the Alleghany Mountains, with no known possibility of cutting the enemy off, or attacking him in flank, even though the pursuers could overtake the pursued. The mounted scouts reconnoitring to the front were sent out before my arrival and did not report to me. I cannot, therefore, state from them the distance between the two armies before our return, but Cols. Irvine and Depuy, in their reports, state the least distance to have been eight miles, and that while our command was halted the enemy had reached Stony River.

Capt. Keys, who after overtaking Col. Irvine led the small detachment of cavalry serving as part of an advance guard, told me since our return that he saw none of the enemy except a few stragglers a long distance off. The fatigued condition of our men and all of the matters above being considered in council, (except the distance between forces, which was subject to speculation,) a distinct vote was taken upon the question whether the command should then continue the pursuit, or return, and every officer but three in the whole, numbering about twenty, was emphatic in opposition to further pursuit, in the then condition of the command, and *every officer* voted against going forward, (except one, a major who declined to vote,) and in that vote I fully concurred. What any one might have done under different circumstances and in the light of different facts, it is idle now to speculate.

It is proper here to say that on the march east from the Red House no prisoners were taken, nor were abandoned arms or articles of any importance found, so far as I have been able to learn.

To be in more convenient communication with the railroad at Oakland, and nearer to their camp equipage and supplies, the troops were marched back to Red House. On the way, Col. Morton's infantry and one gun were met about two miles from the Red House. On arriving at Red House it was found that there were not provisions enough to give all of our troops there assembled one full meal without drawing from Oakland, and there being as yet no means of transportation, Col. Morton's companies and two companies of the Virginia troops marched back to Oakland to their din-

ners, suppers, and camp equipage, arriving there about nine o'clock in the evening.

Late in the evening of the 14th, Col. T. R. Stanley of the Eighteenth, and Lieut.-Col. Turley of the Twenty-second Ohio, from Clarksburg, had arrived at Oakland, and during that night Col. Dunning of the Fifth, also from Clarksburg, arrived from Oakland, as did Col. W. S. Smith of the Thirteenth regiment at Grafton, from Parkersburg, each with his command endeavoring to respond to my orders. In anticipation of a movement forward the next day, if means of transportation, and horses and harness for the guns should be obtained, and information should come in indicating probable success in following the retreating enemy, orders were given that all of the troops at Red House and Oakland should be immediately provided with two days' cooked rations and be put in readiness to march. Such information did come about 2 P. M. of the 15th, and while it was being considered and a plan of operations discussed with the commandants of regiments at Oakland, a despatch from Department Head-quarters at Huttonsville was received, dated 14th, and addressed to me, saying—"Garnett's army completely routed yesterday, 13th, at two P. M., at Cheat River, on the St. George's road, baggage captured, one gun taken, Garnett killed, his forces demoralized. I charge you to complete your operations by the capture of the remainder of his force. If you have but one regiment, attack and check them until others arrive. You may never have such another opportunity again. Do not throw it away. Conduct this movement in person and FOLLOW THEM *a l'outrance*, (to the utmost.)—Telegram literatim as follows,—'*a l'on Trance*.'

Couriers by two different routes had brought me intelligence that the enemy, having burnt the bridge at Stony River, on the northwest pike, early in the afternoon of Sunday, had gone into camp a little east of Greenland, with intention to remain for several days, and had burned the bridge at the Gap there, to protect them from a rear attack. Learning also that Stony River could be passed without serious delay; that the camp, a little east of Greenland, could be turned by a march from New Creek Station, and also by a detour to the right, in proceeding from the west by way of Greenland; and believing that a strong expedition, moving with celerity, might expect to reach the enemy at or before he would reach Petersburg, and return in safety, I considered that such a movement would be within my discretion, and also within my instructions. Accordingly Col. Stanley, with nearly six hundred men of the Eighteenth regiment, and Col. Dunning with seven hundred men of the Fifth regiment, were ordered to move by the diagonal road from Oakland over the mountains to the bridge on the pike over the north branch of the Potomac, there to be joined by eight companies of the Eighth regiment under Colonel Depuy, seven companies of the Sixteenth under Col. Irvine,

six companies of the Fifteenth under Col. G. W. Andrews, and two companies of the First Virginia regiment, which were to move from Red House with the Ringgold cavalry under Capt. Keys, and two guns of Capt. Daum's battery. Col. Morton, with six companies of the Twentieth Ohio and two Virginia companies, and Lieut.-Col. Turley with five companies of the Twenty-second Ohio, and two guns of Capt. Daum's battery, were ordered to proceed by railroad to New Creek Station to attack the enemy from the north. The column to form its junction on the northwest pike, at the north branch of the Potomac, was to move toward Greenland, and leaving that on its left press on to the intersection of roads leading to Petersburg and Moorefield, and to be followed by Col. W. S. Smith with the Thirteenth regiment and a battery of two guns, he having been ordered up from Grafton, where he was waiting on the cars. The different columns were to, and did, keep up communication by couriers, and were to cooperate whenever the case required.

The column of Cols. Dunning and Stanley left Oakland with me at five P. M. on the 15th, was joined by Col. Irvine's column as intended, and marched inside of the first twenty-four hours to Gove's, five miles beyond Greenland, the distance being estimated at thirty-five and a half miles from Oakland. The enemy broke up his camp near Greenland, and retired as we approached that place, and reached Petersburg in the afternoon or evening of the 16th. That night we were but fourteen miles from the enemy, and scouts were sent toward Petersburg, as also toward Moorefield and Romney, to keep watch of the enemy's movements in all directions. The column from the west, with the first division of one-third of the whole, made up of picked men, got off early the next morning, and after a four-mile march was stopped by a courier with a despatch from the Commandant of the Department, ordering the pursuit to be abandoned. It was subsequently ascertained that the enemy had resumed his march in the direction of Staunton. The column would have abandoned the pursuit at any rate, if the enemy could not have been reached at, or in the immediate vicinity of, Petersburg. The column marched back to Greenland, and there all of the troops of the expedition were united and remained for the night. The next day the entire body marched by the northwest pike to the north branch of the Potomac and encamped. Sending the Eighth regiment, Col. Depuy, to the Red House, and the baggage around by the same route, the other troops were marched to Oakland, arriving there about ten A. M. on Friday, the 19th instant.

The march was certainly a very trying one, and brought out the good qualities of the officers and men to a remarkable degree. Too much could not be said in praise of the cheerful spirit and persevering fortitude of the command.

With the most active and thorough use of scouts, mounted and on foot, the country was ascertained to be so clear of the enemy in any force as to give no indications of his interrupting our movements during the period intended to be covered by the expedition.

Appended is a map showing the topography of the country and the lines of march. Copies of all of the reports received from those constituting parts of the command are forwarded herewith.

I regret the length of this report, but it was due to the service that the material facts should be stated.

They are respectfully submitted,

CHAS. W. HILL,
Brigadier-General Commanding.

SUPPLEMENTAL REPORT.

HEAD-QUARTERS, U. S. VOLUNTEERS, }
GRAFTON, Aug. 4th, 1861. }

To Brig.-Gen. W. S. Rosecrans, commanding
the Department of the Ohio.

SIR: I have the honor to submit lists of prisoners and property captured on the 14th, 15th, and 16th ult., by the troops under my command while in pursuit of General Garnett's army. Much the largest portion of these captures was made in the vicinity of the Horse-Shoe-Run road, south of the Red House, on the morning of the 14th of July. The other captures were made on the 15th and 16th, chiefly in the vicinity of Greenland, on and beyond the eastern slope of Alleghany Mountains.

LIST OF PRISONERS.—1st Georgia Regiment, 1st Sergeant, S. D. Kellar; Corporals, W. M. B. Hilt, E. A. Sackett; Privates, James Brady, B. W. Harter, B. R. Duncan, Jas. P. Crockett, Jno. N. Killer, William Grimes, Thos. Adams, Jas. H. Smith, W. A. Carroll, Joseph S. Price.

23d Virginia Regiment.—2d Sergeants, Wm. Brant, A. P. L. Ecuyer, Thos. H. Harris; Corporals, J. B. Hart, W. J. Davenport, J. R. Harris; Privates, J. C. Johnson, Wm. Armstrong, A. A. McDowell, C. B. Satterfield, Wm. O. Good, R. B. Davis, Wm. Clandy, J. O. Groom, J. O. Boxley, J. M. Hart, W. B. Reid, S. A. Foster, J. J. Taylor, R. A. Green, J. R. Patterson, Chas. Meredith, Benj. F. Green, John Chaffell.

20th Virginia Regiment.—Privates, W. H. Burdiok, Richard Pugh, W. A. Frick, Daniel Conway, A. D. Weilles.

27th Virginia Regiment.—Privates, Jas. McCarron, Chas. Miller, C. W. Chick.

118th Virginia Regiment.—Third Sergeant, Joseph Rider; Corporal, J. M. Chichester; Privates, Jacob Heater, John Johnson, James J. Long, E. O. Hayes, Hugh Cindy, Nathan Dever, J. W. Rouch, Eldridge Collins.

Pocahontas Rescues.—Privates, W. S. Piles, P. H. Grimes, J. H. Pierce, John Piles.

LIST OF PROPERTY.—Eighty muskets, five boxes of cartridges, eight kegs of powder, one half barrel of powder, one pig of lead.

I am, Sir, very respectfully,

CHAS. W. HILL,
Brig.-Gen. Commanding.

HEAD-QUARTERS 20TH REGT., O. V. M. }
OAKLAND, Va., July 20th, 1861. }

To C. W. Hill, Brig.-Gen. Commanding 1st
Brigade, 1st Division, U. S. A.

SIR: On Saturday, July 13th, at eleven o'clock A. M., I received your order directing me to withdraw such of the forces under my command as I might deem prudent from the line of the B. & O. R. R. between Benwood and Grafton, and join you at Oakland, Maryland.

Accordingly I despatched Major Lamison over the line of said road with instructions to withdraw from said line Companies "A," "F," "K," and "I," and proceed with them to such point as he might learn I would occupy, unless otherwise instructed.

On the afternoon of the same day I proceeded with a detachment of one company of the Virginia First, Capt. Britt; one company of the Virginia Second, Capt. Ewing; three pieces of artillery, under Capt. Daum; and Companies B and E of the Twentieth regt., O. V. M., to Oakland, at which place I arrived at eleven o'clock P. M. of the same day. Owing to a want of the means of transportation, I was delayed at Oakland until ten o'clock on Sunday morning, when I marched forward to the Red House, at which point I arrived at two o'clock P. M., and thence proceeded in pursuit of the rebel forces over the northwestern turnpike until I met with your forces returning.

While at the Red House, on my return, Major Lamison arrived with the forces under his command, having made a most orderly and rapid march, for the particulars of which I refer you to his report, a copy of which I herewith transmit.

The officers and men under my command conducted themselves in the most soldier-like manner, and for their hearty coöperation and energy I am indebted for the promptness with which they appeared at the points intended to be occupied.

All of which is respectfully submitted,

THOMAS MORTON,
Col. Commanding 20th Regt., O. V. M.

HEAD-QUARTERS 20TH REGT., O. V. M. }
OAKLAND, Va., July 21st, 1861. }

To Thomas Morton, Colonel Commanding 20th
Regt., O. V. M.

SIR: At half-past eleven o'clock A. M., Saturday, July 13th, 1861, I received your order directing me to proceed over the line of the B. & O. Railroad, and with Companies A, F, I, and K, then stationed at different points on said line, with them join you at Oakland, Maryland, or at such other point as I might learn you might then occupy. Accordingly, I at once ordered transportation from Wheeling, and despatched Adjutant Evans over the line from Fairmount, who brought up the several detachments to Grafton, at which place we arrived at two o'clock A. M., Sunday. Owing to delays on the road occasioned by trains on the road and the unwillingness of conductors to proceed, I did not arrive at Oakland until twelve o'clock M.,

Sunday. On my arrival, learning that you had proceeded to Chisholm's Mill, I at once, without taking any baggage, put my detachment in motion, and at three o'clock reached the Red House on the northwestern turnpike, at which place I met you returning with the forces under General Hill. The conduct of the men and officers under my command is deserving of much credit, and to their energy and hearty coöperation I am indebted for the rapidity of our movement.

Respectfully, I am yours,

CHAS. N. LAMISON,
Major 20th Regt., O. V. M.

HEAD-QUARTERS OF 15TH REGIMENT O. V. }
OAKLAND, MD., July 19th, 1861. }

To Brig.-General Hill, Commanding U. S. Troops, N. W. Va.:

In answer to your order directing me to report to you the steps taken by me to intercept the rebels in their late flight from Laurel Hill, the force I had to march against them, &c., &c., I have to say: On Saturday, 13th inst., at about four o'clock P. M., immediately after receiving your orders to move all my "available forces" up Cheat River from Rowlesburg, so as to take position near the bridge of the river, some four miles south of Rowlesburg, I moved what forces I could spare, making, with what I already had at that camp, (Cheat River,) about four hundred and fifty. Before going to the bridge, I sent for the late sheriff of Preston Co., Va., knowing him to be a loyal man and very intelligent and useful in describing the geography of the country. I directed him to summon to his aid four other citizens, in whom we could fully confide, and report them to me at Cheat River forthwith. He did all I required with great promptitude. After this preparation, I marched to Cheat River bridge and arrived there about eight and a half o'clock P. M., same day. Mr. Shaffer sat down with me in my tent, and made a rough and hasty draft of the country between Laurel Hill and Oakland and the Red House, showing a main road running from a northward point from Laurel Hill to the "northwest turnpike," intersecting the same at the Red House, also showing many roads approaching the same; also, a road leading to St. George northward to my camp, with various approaches. In the opinion of Mr. Shaffer and those who were in attendance with him awaiting orders to act as scouts, the rebels must pass along the first mentioned road leading to the northwestern turnpike so as to strike the turnpike at the Red House. With the light I had before me, I concurred in this opinion; and was about to take the available force of my command, with the two companies of the First Virginia regiment, and immediately march to the road described as running from Laurel Hill to the northwest turnpike, so as to take position on the said road southwestward from West Union about seven miles, about the same distance from Red House, and some fifteen miles from my camp. But reflecting over my instructions,

I thought you had scarcely authorized me so to do. I abandoned this contemplated march, and concluded to send out mounted scouts well armed, in the direction last mentioned, as well as in and around St. George. Accordingly, at about ten o'clock P. M., I despatched four scouts, well armed and mounted, with directions to reach the Laurel Hill and northwest turnpike road as soon as possible westward from West Union, and to reconnoitre the approaches thereto. This duty would take them over a very rough road (most of the way) some sixteen or eighteen miles. I directed them to first report to Col. Irvine's command, then at West Union, if they should make important discoveries nearer to him than to me—then hasten on to me. I also sent a disguise to take observations about St. George, and the roads leading from that point to my camp; also, many scouts, *not mounted*, in various directions. The first named mounted scouts reached the road they desired at about one o'clock A. M., Sunday morning, and soon discovered the enemy in large numbers, and to get out of his reach they were obliged to secrete themselves for a short time. This was southwestward from West Union about seven or eight miles—of course much nearer Col. Irvine than to my command, and in obedience to my order he was notified before the messengers came to me. *This notice, I am informed, was given between three and four o'clock A. M., same day.* The horses of those scouts "gave out," by which means I did not receive their report until ten o'clock A. M. Little before eleven o'clock A. M., I started with all the force I could spare, with one day's cooked rations, together with parts of the two Virginia companies, making altogether about four hundred and fifty-nine, and arrived at the "Red House," passing through West Union at half-past three P. M., a distance of eighteen or nineteen miles. When I arrived, I found Colonel Irvine's forces, part of Colonel Depuy's, (Eighth Ohio,) and a few of the Twentieth Ohio, under your own personal command, with two pieces of ordnance, had been in hot pursuit several hours before. Not gaining on the enemy, and our forces being considerably out of strength and *without* any provisions, and it plainly appearing that further immediate pursuit would be futile, under your order all our forces turned back and encamped at "Red House." Leaving my force, I returned to Cheat River to order provisions and transportation forward. On the next day (Monday) I received from you an order to join a forward movement from the "Red House" with all the forces of my command I could spare from the duties already assigned me. At about eight o'clock P. M., on Monday, 15th inst., I joined the column under Colonel Irvine's command, with about the same force I took to the "Red House," (four hundred and fifty,) and moved eastwardly on the northwestern turnpike, in pursuit of the enemy. I left with two days' rations, and ordered more to be sent. I had no transportation

facilities, and could take little baggage of any kind. With some difficulty, my Quartermaster impressed *two teams*, which served to transport a *few cooking* utensils and the scanty provisions I took along. We pursued the enemy under your personal command, little over two days, when, on Wednesday, 17th, the column was turned back. The whole command marched back to this point in two days, somewhat fatigued, but in the best of order and in very good spirits; my own I know to be particularly so.

All of which is respectfully submitted.

G. W. ANDREWS,

Col. Commanding Fifteenth Regiment O. V.

STATEMENT OF LIEUT. MYERS, OF RINGGOLD CAVALRY.

I was ordered by General Hill, on the 7th of July, to take twenty-five men of the Ringgold Cavalry to serve as mounted scouts, under command of Colonel Irvine of the Sixteenth Ohio, and reported my command to him on the same night. Colonel Irvine was then posted near Cheat River bridge. I remained attached to his command until Monday, the 15th of July.

On the morning of the 8th six men of my command were sent by order of Colonel Irvine out on the St. George road, (sometimes called the Horse-Shoe-Run road,) that intersects the northwest turnpike at Red House, to Rinehard's School House. They remained there until Saturday, the 18th, when they were ordered by Colonel Irvine to come into his camp at West Union, which they did the same afternoon. I had ascertained from persons living on the St. George's road, (above mentioned,) that the rebels were retreating, and would be through on that road from St. George to Red House on Saturday night or Sunday, and reported the same to Colonel Irvine. I told him I thought it important that scouts should be sent out in that direction, and gave him the information I had received. He replied that there were other points of more importance. About sundown on Saturday, the 18th, a man came up from the neighborhood of Rinehard's School House, and told me that he had heard that they were coming through on that road, and would be through on that night. I again went to Colonel Irvine and gave him this information, and told him that some of my boys were anxious to go out on that road. He said he would see about it, and walked away. I returned to my quarters, and remained there pursuant to his orders.

H. A. MYERS,

Second Lieutenant, Ringgold Cavalry.

Grafton, Va., July 21, 1861.

Aungier Dobbs, private in Capt. Key's company, Ringgold Cavalry, states that on Saturday, the 18th July, at about one o'clock p. m., the scouts of that company, then on the Horse-Shoe-Run road, so-called, were ordered by Col. Irvine, of the Sixteenth Ohio Regiment, to return to his camp, and they did so afterward, as soon as they could be called back, leaving no

scouts at the point where they had been stationed, and none on that road, so far as he (Dobbs) knows, until the enemy had passed.

AUNGIER DOBBS.

Grafton, Va., July 21, 1861.

HEAD-QUARTERS, SIXTEENTH REGIMENT O. V. M., }
OAKLAND, Md., July 20th, 1861. }

GENERAL: In reply to your order of the 19th inst., requiring me to report the steps taken by me to intercept the retreat of the rebels from Laurel Hill, I have the honor to report: That in obedience to your order I occupied and fortified the junction of the Buffalo turnpike with the northwest road, together with the Cheat River bridge. Subsequent reconnoissances indicated the occupation of a point further to the eastward on the northwestern road, and upon the suggestion of Col. Whittlesey and your approval, I occupied the position of the St. George turnpike, with the northwestern, with two companies, which, by the reconnoissances then made, was supposed to be the extreme eastern point of access to the northwestern road from the vicinity of Laurel Hill. On the information received from you I advanced with the remainder of my regiment (in all seven companies) and one gun, to West Union, on Friday night, the 11th of July, arriving shortly after midnight, where I was joined by Col. Depuy, of the Eighth Ohio, with six companies. On Saturday, the 12th, Col. Depuy and myself made reconnoissances of the roads in the vicinity, but failed to get the correct information sought. It was not till near midnight of the 12th that I learned that the road entering the N. W. pike at Red House was not a branch of the St. George pike. I immediately despatched mounted scouts to Horse-Shoe-Run road, (the one entering at Red House,) and they brought me information, about six and a half o'clock of the 18th, of the passage of the enemy. I immediately put my command in motion, and marched eastward on the N. W. pike to Red House, where I learned the enemy had left at five o'clock a. m. I followed, crossing Backbone Mountain, and halted to rest my men two miles west of North Branch bridge, where I was overtaken by you. My command had already marched fourteen miles, most of them without breakfast. I had but few rations to send forward if I had had transportation, but I had not a single wagon to carry any thing. At the consultation then held, a full statement being made by the respective commanding officers of their condition, and of yours, in regard to want of transportation, it was determined to abandon the pursuit, in which opinion there was a unanimous concurrence, with, I believe, a single exception amongst over twenty officers. At that time the enemy were at Stony River bridge, which they subsequently destroyed, before even fresh troops could have reached them from where we then were. Subsequent operations, being conducted under your own eye, I suppose are not called for in this hasty report, made under circumstances forbidding accuracy

of date and detail. I remain your obedient
servant,
J. IRVINE,
Col. Commanding Sixteenth Regiment, O. V. M.

P. S.—On Saturday, 19th, I had mounted
scouts at a fork of the road, where a road
branched east from St. George pike, supposing
it to be the road leading to Red House.

RED HOUSE CAMP, July 22, 1861.

BRIG.-GEN. HILL. Sir: In compliance with
our order dated July 19th, 1861, requiring me
to transmit you a full account of my pro-
ceedings with my command, to pursue and in-
tercept the rebel forces retreating from Laurel
Hill, by way of St. George and Red House
Corners, on Tuesday, July 14th, 1861, with the
number of my forces, the amount of provisions
on hand and means of transportation, herewith
I present the following report:

I arrived at West Union, from Oakland, with
four companies of my command on Saturday
morning, July 13th, at one A. M., in a violent rain
storm, having been compelled to leave two
companies at Chisholm's Mill to guard all of
my teams, which had given out. They arrived
at West Union at nine A. M., making my force
six companies, of five hundred and seventy-
eight men. At nine A. M., July 13th, I waited
on Col. Irvine, of the Sixteenth Ohio regiment,
and we proceeded to examine the country for
five miles in the different directions which we
supposed the enemy would take. On our re-
turn Col. Irvine received a despatch from you
informing him that the enemy were retreating
by way of St. George. As yet not knowing
but that West Union would be the route they
would be compelled to take owing to the im-
passable state of the other roads leading from
St. George across the country, and intersecting
the western turnpike, I, with Col. Irvine and
Major Bailey, immediately selected two posi-
tions, one south of West Union half a mile,
and the other one mile west, either of them
strong enough to have defended us from any
numbers. I ordered my men to lie upon their
arms in readiness to take position at a mo-
ment's warning. At five and a half A. M., Sun-
day morning, Colonel Irvine's scouts came in
and informed me that the enemy were retreat-
ing by way of Red House Corners. We imme-
diately got under way and gave chase, arriv-
ing at the Corners at eight A. M., a distance
of eight miles. Here we learned they had
passed at five A. M., with the exception of a
regiment or two still back. We immediately
selected two companies of rifles, one from the
Eighth, Capt. Daggett, and one from the Six-
teenth, and ordered them to proceed southward
toward Texas Corners, and meet them, if pos-
sible, upon advantageous grounds. The main
body, supposed to be, from what we learned
from prisoners, about five thousand strong,
having got two and a half hours the start, we
continued the chase until we were within eight
miles of them. Having travelled six miles, we
halted to make a reconnoissance, when we were

overtaken by Gen. Hill. The balance of the
march was made under the supervision of the
Commanding General.

When I started on Sunday morning in pur-
suit, many of my command had taken no
breakfast, and made the entire march that
day with but half a biscuit. We had not one
day's provisions on hand, and our means of
transportation were so limited as to cut off
the hope of an immediate supply. My com-
mand had at that time received no horses or
wagons from the government, and my only
means of transportation were teams pressed
into service from farmers in and about Oak-
land.

H. G. DEPUY,
Col. Eighth Regt., O. V.

REPORT OF CAPT. JOHN KEYS.

Company divided on July 7th, twenty-five
privates and 2d Lieutenant sent to Cheat River
under command of Col. Irvine; the remainder
kept on duty at Grafton and vicinity till July
13th, when I left with twenty-five men on the
cars for Oakland, as a part of Gen. Hill's com-
mand, the remaining twenty-five men, with the
First Lieutenant, were left in Grafton and vicin-
ity until July 15th, when they came forward to
Oakland. Myself and twenty-five men arrived
at Oakland at or about eleven o'clock P. M.,
July 13th, but it took till daylight before we
could get our horses off the cars and cared for.
We were up and engaged in this work all
night. Neither horses nor men had any food
from noon of the 13th till the morning of the
14th, and then had great difficulty in getting
any thing for either, and a great deal of time
was consumed in getting a supply pressed into
service for one meal. About nine A. M., of the
14th, we got news that the enemy had escaped,
and immediately moved forward with General
Hill, under his order, to the Red House. There
he ordered me with seventeen picked men to
press on and report to Col. Irvine for recon-
noissance to the front, the other eight men being
detained by Gen. Hill for special service after
he should get such facts from prisoners and
others as he needed for his guidance. I did as
I was directed; pressed forward in pursuit of
the enemy, passing all of our bodies of foot
troops, and at a mile and a half or two miles in
their advance joined the twenty-five scouts with
the Second Lieutenant, who had been serving
with Col. Irvine for the last seven days. There
were now about forty of my men together. I in-
quired of them then, and have since particularly,
as to the whereabouts of the enemy, and learned
from them and my own observation that only
a few stragglers were at any time seen by any
of our party. None of my men at any time
came in sight of the enemy's rear guard.

A mounted officer serving with us under the
command of Col. Irvine—I think his Adjutant
—was forward with my men, and under his
orders the scouts from my company gave up
the pursuit, and returned to the infantry at the
point where the council was held by Gen. Hill.

ay, in conclusion, that by his order and Gen. Hill we went forward from Oakland gallop and with all of the speed our could possibly endure, not stopping for a moment by the way until we reached the Red House, and then only for a moment. We were ordered, and went forward at the rate of less than ten or twelve miles per hour, passing all of the foot troops by the way, and were ordered as before stated. JOHN KEYS, Capt. Com. Ringgold Cavalry, Penn. Vols. July 31, 1861.

REASON FOR DELAY OF THIS REPORT.—Immediately after coming back from Oakland, I was again ordered to take an escort of twenty-five men and go with Gen. Reynolds to Beverly, which I did. When there, it was thought necessary, and we escorted the General to camp, at the foot of Cheat Mountain, where we arrived the second day, and again proceeded to camp on the summit of Cheat Mountain and back on the same day by two o'clock. On the following day, July 29, we again started for Grafton as an escort to Gen. Schleigh and Capt. Cram, U. S. A.; camped at Beverly over night, and reached Grafton the evening of the 30th.

J. KEYS,
Capt. R. Cavalry.

To Brig.-General C. W. HILL.

COLUMBIA, O., August 6, 1861.

The undersigned, having heard erroneous accounts of the manner in which the remnant of Garnett's command made their escape from the United States troops under Brig.-Gen. C. W. Hill, and having also heard it stated that the advance guard of Gen. Hill's command was at one time in sight of the enemy, hereby makes the following statement:

That on the morning of July 14th last, I was, by Col. Irvine commanding Sixteenth regiment, O. V. M., placed in command of a detachment of the Ringgold Cavalry, then at Hoy's House, about five miles East of the Red House, and directed by Col. Irvine to advance and ascertain, if possible, the position, etc., of the enemy. I immediately moved my party forward along the turnpike until beyond the northwest branch of the Potomac River, (two miles east of Hoy's,) occasionally meeting and capturing small bodies of the rebels, and making prisoners of all of the enemy I saw. I pushed forward part of my command about a mile beyond the bridge. I was fully three miles in advance of the point where our riflemen halted, who, in turn, were some distance ahead of our main body, and at no time (upon information received from prisoners and residents along the turnpike) was I nearer than four or five miles of the enemy's rear guard. I followed the tracks of the enemy's guns to the North branch bridge, but could not trace them further, the guns having evidently been moved from rear to front at that point. There were none of our forces in advance of me on that day.

D. W. MARSHALL,
Adjutant Sixteenth Regiment, O. V. M.

REMARKS.—At the date of my report, Major-General McClellan relinquished the command in Western Virginia. The report, on that account, was made in duplicate, and one copy of it delivered with the accompanying documents to Major-General McClellan and another to Brigadier-General Roscerans. Those commanders, having knowledge of the instructions under which I acted and of the extent of my duties, as also of the official reports and correspondence prior to the 17th of July, and of the topography of the country, could see the bearing and relation of matters in the foregoing reports as the public might not without some additional facts, which now are submitted.

My brigade proper, as ordered by Maj.-Gen. McClellan, consisted of the Fifteenth, Sixteenth, Eighteenth, Twentieth, and Twenty-second Ohio regiment, with several detached companies of Virginia infantry, one company of cavalry, and one of artillery, and for portions of the time, the Fifth, Sixth, Eighth, Tenth, and Thirteenth Ohio regiments were attached to my command. With these troops I was required to garrison and hold both lines of railroads from Rowlesburg to Wheeling and Parkersburg, and the country adjacent thereto, and south toward the Kanawha, and up the Cheat River, and eastward to West Union.

The written instructions from Major S. Williams, Assistant Adjutant-General, prescribing my duties, contained the following language: "The commanding general instructs me to add that he has intrusted to you the most important duty, next to his own, in this territory, viz.: That of securing the base of his operations and his line of retreat. At any cost, that of your last man, you will preserve the Cheat River line, Grafton, and the line thence to Wheeling. On this depends the entire success of the line of operations."

To strengthen and support the columns of Generals McClellan, Morris, and Cox, troops were drawn from my lines, thus reducing them to the lowest point of safety, so that when I was appealed to on the 4th of July to send five hundred men to Oakland to protect the railroad bridge at that place, and keep open our communications east against a strong force of rebels, not a man could be spared. General McClellan was kept fully advised at all times of every thing material for him to know, so that he might give special instructions on any question. Summing up a brief review of my transactions in a despatch on the 5th of July, he says: "Your course, thus far, has been in all respects judicious and soldierly."

The instructions were to increase the Cheat River garrison to one thousand men, and supply it with one gun. This was done. Rowlesburg was the point of support on the railroad for this garrison, and in all of Major-General McClellan's instructions relative to movements on the east of Cheat River, he contemplated Rowlesburg as the *Point d'Appui*. The Cheat River column, under Col. Irvine, on the 8th of

July consisted of five companies of the Fifteenth Ohio, seven companies of the Sixteenth Ohio, two companies of the First Virginia, and twenty-five cavalry. On the 11th of July he was reinforced from Grafton with six companies of the Eighth Ohio.

The two Pennsylvania regiments which Maj.-Gen. McClellan ordered to join me from Cumberland, Md., were cut off by the burning of the bridge on the B. & O. road below New Creek, and that on the Frostburg road near Piedmont. This was done by the rebels on the 12th of July. They also destroyed the telegraph lines at the same points. On the evening of the same day I sent advices of these facts to the Department Head-quarters, but they were not received there until the next day.

When I received my orders on the 18th, it was perfectly apparent that the two Pennsylvania regiments could not reach me at all, and very probable that they had not even received the order to join me. Two complete regiments, then, intended by Gen. McClellan to be promptly in position, at what he considered to be exactly the right place, must be dropped from the estimate of forces, and their places filled, as best they might, by small detachments drawn from garrisons between Grafton, Wheeling, and Parkersburg. The result was unavoidable, that the whole expedition must consist of fragmentary regiments and detached companies, almost wholly destitute of means of transportation, to be organized and put in the field in the utmost haste, and under no common embarrassments.

Lieut.-Col. J. W. Fuller of my staff had been sent forward to Oakland on the 12th, to aid in getting means of transportation for Col. Depuy's six companies of the Eighth Ohio over to Chisholm's Mill, as a reinforcement to Col. Irvine, and did not return to Grafton until the morning of the 14th. Orders had been given to hire, and if necessary *impress*, teams from Oakland and vicinity, for the baggage and supplies of Cols. Depuy and Irvine, but enough could not be obtained, and a considerable quantity remained at Oakland under a guard from the Eighth regiment. There was also a company of Home Guards there to protect the railroad bridge. It was reported that some Federal troops had reached Piedmont that might be disposed to cooperate with us. Having advised Col. Fuller that I was taking steps to intercept Garnett's army, and should move in by way of Oakland, and directed him to remain in the telegraph office and keep me advised until I should reach Rowlesburg, I sent him the following telegrams:

"GRAFTON, July 13th, 3 P. M.

"COL. FULLER: Order all the men over from Oakland that can be spared, with one day's cooked rations, if possible, but do not wait to cook. Retain all the teams not needed to send forward until I telegraph you from Rowlesburg."

"ROWLESBURG, July 13.

"COL. FULLER: Have teams and guides ready on our arrival at Oakland. We will be there

by a quarter to eight P. M. Send forces from Piedmont to reinforce at Junction, with our forces, on northwest pike, near Chisholm's Mill, as soon as possible. On our arrival you and Capt. Dayton will return to Grafton, where you will take command."

It hardly need be repeated that the first train did not reach Oakland until eleven P. M., that we could get no teams and received no troops from Piedmont.

In making Oakland instead of Rowlesburg the point of departure from the railroad, thus deviating from the plan of Major-General McClellan, I was influenced by considerations of distance, want of transportation, the condition of roads, and the supposed locality of Col. Irvine. From Rowlesburg up the Cheat River to the northwest pike was five miles; thence to West Union, eight miles; thence to Chisholm's Mill, six miles; and to the Red House. Total, twenty-one miles. From Rowlesburg to Oakland, by railroad, twenty-three miles; thence to Chisholm's Mill, eight and a half miles; or from Oakland to Red House Junction, nine miles. To march an army from Rowlesburg to Red House would ordinarily require from ten to twelve hours; whereas, from Rowlesburg via Oakland to Red House would not require over five or six hours. Transportation of supplies and fatigue of men should be thought of. The space from Cheat River to the Red House (sixteen miles) has been alluded to by many editors and letter-writers who had *heard* something about that country, as a *Gap* through which the rebel army escaped. Seven different roads diverge and run northerly from Leedsville and intersect the northwest pike within that *Gap*! The "Horse-Shoe-Run road," running northerly through "Corrick's Ford," and intersecting the northwest pike at the "Red House," comes in on "*the glades*," where the surface and appearance of the country are a good deal like that around Bellevue, Huron Co., Ohio,—cleared farms, long stretches of natural meadows, gentle elevations, and small patches of forest. For three or four miles about the "Red House" the roads and fields are practicable for cavalry and artillery.

A word about the march of my little army of five thousand four hundred men into Hardy County, Va. It was enough for me to know, upon the most reliable reports of scouts from different directions, all corroborating each other, that the country was so clear of the enemy in force as to leave us very few to meet, other than the remains of Garnett's army. I could only have said at the time that the rebel army under General Johnston was *going* and had "*gone South*." But the reading public found out next Sunday that they were seen at *Manassas*!

Had Major-General McClellan known the facts as I knew them, I have no reason to suppose that he would have ordered me to abandon the pursuit as he did do.

CHAS. W. HILL.

Doc. 7.

THE REBELLION:

ITS ORIGIN AND MAIN-SPRING.

An Oration delivered before the Citizens of New York, under the auspices of the New York Young Men's Republican Union, at Cooper Institute, on Wednesday evening, November 27, 1861,

BY CHARLES SUMNER.

MR. PRESIDENT: It is my nature to be more touched by the kindness of friends than by the malignity of enemies; and I know something of both. You make me feel that I am among friends. It gives me much pleasure to be welcomed by the Republican Union, first, as you represent the young men who are the hope and strength of the country, and, secondly, as you constitute an association which has already rendered signal service in saving the country from the rule of the Slave Oligarchy. It was under your auspices that our candidate for the Presidency, known and honored in Illinois, became equally known and honored in New York. Nor is it too much to say that the masterly speech which he made at your invitation in this very hall, was needed to complete those titles to regard which caused his nomination at Chicago, and his election by the people. It was he who did the work; but you supplied the opportunity.

Fellow-Citizens of New York:

In the presence of such an audience, so genial and almost so festive in character—assembled for no purpose of party or even of politics, in the ordinary sense of that term—I incline naturally to some topic of literature, of history, of science, of art,—to something, at least, which makes for peace. But at this moment, when our whole continent is beginning to shake with the tread of mustering armies, the voice refuses any such theme. The ancient poet, longing to sing of Achilles and the house of Atreus, found that he could only sing of love,—and he snatched from his lyre its bloody string. Alas! for me the case is all changed. I can speak to you only of war; but do not forget that if I speak of war, it is because unhappily war has become to us the only way of peace.

The present is too apt to appear trivial and unimportant, while the past and the future are grand. Rarely do men know the full significance of the period in which they live, and we are all inclined to sigh for something better in the way of opportunity—such as was given to the hero of the past, or such as our imagination allots to the better hero of the future. But there is no occasion for such repining now. There is nothing in the past, and it is difficult to imagine any thing in the future, more inspiring than our present. Even with the curtain yet slightly lifted, it is easy to see that events are now gathering, which, in their development, must constitute the third great epoch in the history of this Western Hemi-

sphere;—the first being its discovery by Christopher Columbus, and the second being the American Revolution. And now it remains to be seen that this epoch of ours may not surpass in grandeur either of its two predecessors, so that the fame of the Discoverer and the fame of the Liberator—of Columbus and of Washington—may be eclipsed by the mild effulgence beaming from an act of god-like justice, which, within its immediate influence, will create a new heaven and a new earth, while in other lands its life-giving example will be felt so long as men struggle for rights denied, so long as any human being wears a chain.

War is always an epoch. Unhappily, history counts by wars. Of these, some have been wars of ideas—like that between the Catholics and Huguenots in France; between the Catholics and Protestants in Germany; between the arbitrary crown of Charles I. and the Puritanism of Oliver Cromwell; and like that between our fathers and the mother country, when the Declaration of Independence was put in issue. Some have originated in questions of form; some in the contentions of families; some in the fickleness of princes, and some in the machinations of politicians. England waged war on Holland, and one of the reasons openly assigned was an offensive picture in the town hall of Amsterdam. France hurled her armies across the Rhine, carrying fire and slaughter into the Palatinate, and involving great nations in a most bloody conflict, and all this wickedness has been traced to the intrigue of a minister, who sought in this way to divert the attention of his sovereign. But we are now in the midst of a war, which, whatever may be the reasons assigned by the unhappy men who began it, or by those who sympathize with them elsewhere, has an origin and main-spring so clear and definite as to be beyond question. Ideas are sometimes good and sometimes bad; and there may be a war for evil as well as for good. Such was that earliest rebellion waged by the fallen spirits against the Almighty Throne; and such, also, is that now waged by the fallen slave-masters of our Republic against the national Government.

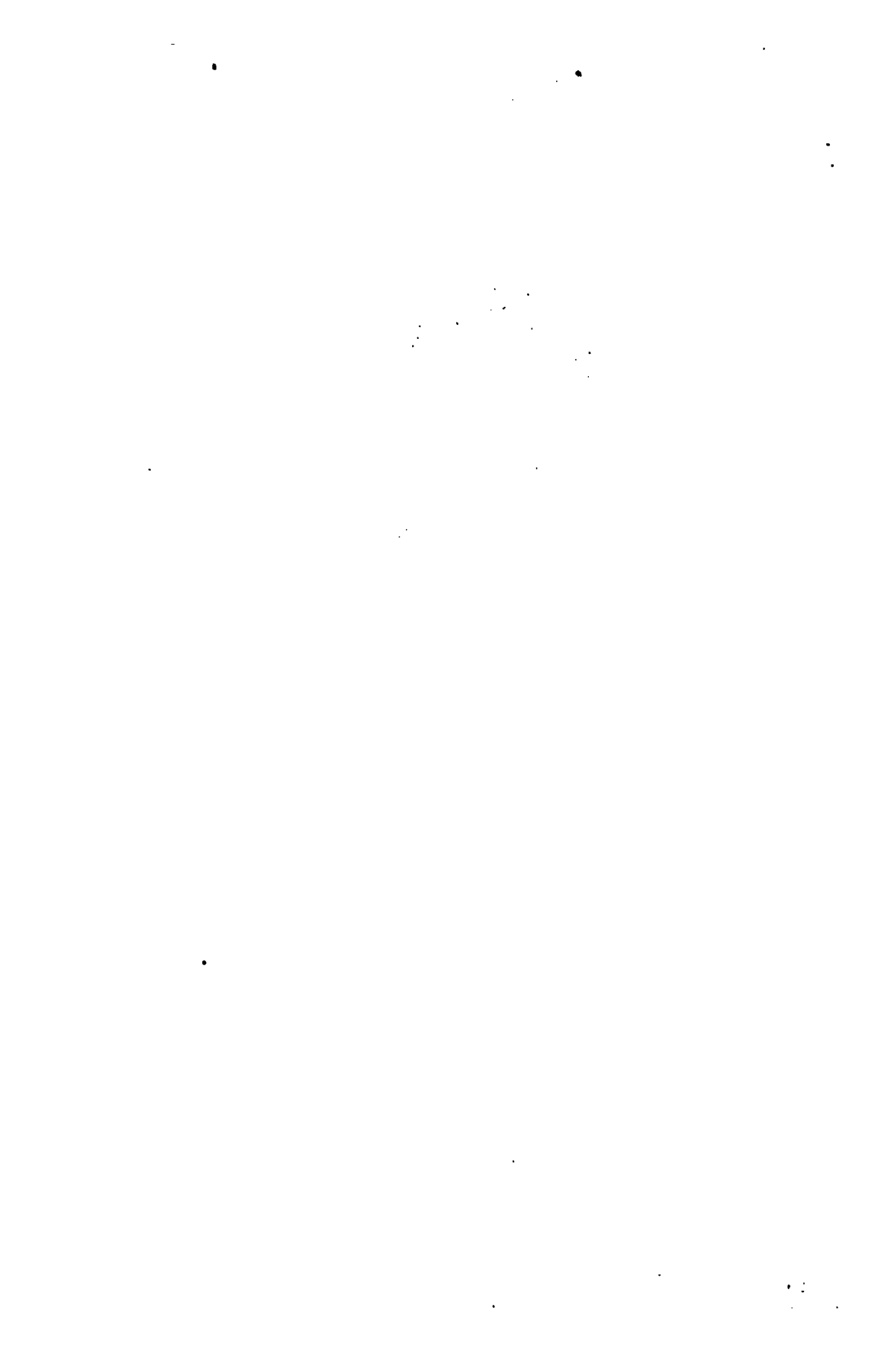
If you will kindly listen, I shall now endeavor to unmask this rebellion, in its origin and main-spring. It is only when these are known that you can determine how the rebellion is to be treated. Your efforts will naturally be governed by the character of the adverse force—whether regarded as a motive power or as a disease. A steam-engine is stopped at once by stopping the steam. A ghastly cancer, which has grappled the very fibres of the human frame and shot its poison through every vein, will not yield to lip-salve or rose-water.

Diseases desperate grown
By desperate appliances are relieved,
Or not at all.

On the 6th November last, the people of the United States, acting in pursuance of the Constitution and laws, chose Abraham Lincoln



1860



President. Of course this choice was in every particular completely constitutional and legal. As such it was entitled to the respect and acquiescence of every good citizen. It is vain to say that the candidate represented opinions obnoxious to a considerable section of the country, or that he was chosen by votes confined to a special section. It is enough that he was duly chosen. You cannot set aside or deny such an election without assailing, not only the whole frame-work of the Constitution, but also the primal principle of American institutions. You become a traitor at once to the existing Government, and also to the very idea of popular rule. You snatch a principle from the red book of despotism, and openly substitute the cartridge-box for the ballot-box.

And yet, scarcely had this intelligence been flashed across the country, before the mutterings of sedition and treason began to reach us from the opposite quarter. The Union was menaced; and here the first distinct voice came from South Carolina. A Senator from that State, one of the largest slaveholders of the country, and a most strenuous partisan of slavery—Mr. Hammond—openly declared, in language not easily forgotten, that before the 18th December South Carolina would be “out of the Union high, and dry, and forever.” These words heralded the outbreak. With the pertinacity of demons its leaders pushed forward. Their avowed object was the dismemberment of the Republic by detaching State after State, in order to found a slave-holding Confederacy. And here the clearest utterance came from a late Representative of Georgia—Mr. Stephens—now Vice-President of the rebel States, who did not hesitate to proclaim “that the foundations of the new Government are laid upon the great truth, that slavery—subordination to the superior race—is the negro’s natural and moral condition; that it is the first Government in the history of the world based upon this great physical, philosophical, and moral truth; and that the stone which was rejected by the first builders is in the new edifice become the *chief stone of the corner*.” Here is a savage frankness which shows an insensibility to shame. Surely the object avowed is hideous in every aspect, whether we regard it as treason to our paternal Government, as treason to the idea of American institutions, or as treason also to those commanding principles of economy, morals, and Christianity, without which civilization is changed into barbarism.

And now we stand face to face in deadly conflict with this double-headed, triple-headed treason. Beginning with those States most peculiarly interested in slavery, and operating always with an intensity proportioned to the prevalence of slavery, it has fastened upon other States less interested—Tennessee, North Carolina, Virginia—and with much difficulty has been prevented from enveloping every State containing slaves, no matter how few; for such is the malignant poison of slavery that

only a few slaves will constitute a slave State with all the sympathies and animosities of slavery. This is the rebellion which I am to unmask. But bad as it is on its face, it becomes aggravated when we consider its origin, and the agencies by which it has been conducted. It is not merely a rebellion, but it is a rebellion begun in conspiracy; nor, in all history, ancient or modern, is there any record of conspiracy so vast and so wicked, ranging over such spaces both of time and territory, and contemplating such results. A conspiracy to seize a castle or to assassinate a prince is petty by the side of this enormous protracted treason, where half a continent studded with castles, fortresses, and public edifices, is seized, where the Government itself is overthrown, and where the President, on his way to the national capital, narrowly escaped a most cruel assassination.

But no conspiracy could have ripened into such wicked fruit, if it were not rooted in a soil of congenial malignity. To appreciate properly this influence, we must go back to the beginning of the Government.

South Carolina, which has taken so forward a part in this treason, hesitated originally, as is well known, with regard to the Declaration of Independence. Once her vote was recorded against that act; and when it finally prevailed, her vote was given for it only formally and for the sake of seeming unanimity. But so little was she inspired by the Declaration, that, in the contest which ensued, her commissioners made a proposition to the British commander, which has been properly characterized by an able historian as “equivalent to an offer from the State to return to the British crown.” The same hesitation shown with regard to the Declaration of Independence was renewed with regard to the Federal Constitution, and here it was shared by another State. It is notorious that both South Carolina and Georgia, which, with the States carved out their original territory—Alabama and Mississippi—constitute the chief seat of the conspiracy—hesitated to become parties to the Union, and stipulated expressly for the recognition of the slave-trade in the Federal Constitution as an indispensable condition. In the Convention, Mr. Rutledge, of South Carolina, while opposing a tax on the importation of slaves, said: “The true question at present is, *whether Southern States shall or shall not be parties to the Union*.” Mr. Pinckney, also of South Carolina, followed with the unblushing declaration: “South Carolina can never receive the plan [of the Constitution] if it *prohibits the slave-trade*.” I quote now from Mr. Madison’s authentic report of these important debates. (See Elliot’s Debates, vol. v., p. 457.) With shame let it be confessed, that, instead of repelling this disgraceful overture, our fathers submitted to it, and in that submission you will find the beginning of our present sorrows. The slave-trade, whose aggregate iniquity no tongue can tell, was placed for twenty years under the

safeguard of the Constitution, thus giving to slavery itself increase, support, and sanction. The language was modest, but the intent was complete. South Carolina and Georgia were pacified, and took their places in the Union, to which they were openly bound only by a most revolting tie. Regrets for the past are not entirely useless, if out of them we get wisdom for the future, and learn to be brave. It is easy now to see that, had the unnatural pretension of these States been originally encountered by a stern resistance worthy of an honest people, the present conspiracy would have been crushed before it saw the light. Its whole success, from its distant beginning down to this hour, has been from our timidity.

But there was also another sentiment, of a kindred perversity, which prevailed in the same quarter. This is vividly portrayed by John Adams, in a letter to General Gates, dated at Philadelphia, 23d March, 1776:

"However, my dear friend Gates, all our misfortunes arise from a single source: *the resistance of the Southern colonies to Republican Government.*" *
* * (John Adams' Works, vol. i., p. 207.)

And he proceeds to declare in strong language that "popular principles and axioms were abhorrent to the inclinations of the barons of the South." This letter was written in the early days of the Revolution. At a later period of his life John Adams testifies again to the discord between the North and the South; and he refers particularly to the period after the Federal Constitution, saying: "The Northern and the Southern States were invariably fixed in opposition to each other." (See letter to James Lloyd, 11th Feb., 1815, John Adams' Works, vol. x., p. 19.) This was before any question of tariff, or of free trade, or before the growing fortunes of the North had awakened Southern jealousy. The whole opposition had its root in slavery—as also had the earlier resistance to Republican Government.

In the face of these influences the Union was formed, but the seeds of conspiracy were latent in its bosom. The spirit already revealed was scarcely silenced; it was not destroyed. It still existed, rankling, festering, burning to make itself manifest. At the mention of slavery it always appeared full-armed, with barbarous pretensions. Even in the first Congress under the Constitution—at the presentation of that famous petition where Benjamin Franklin simply called upon Congress to step to the verge of its powers to discourage every species of traffic in our fellow-men—this spirit broke forth in violent threats. With a kindred lawlessness it early embraced that extravagant dogma of State rights which has been ever since the convenient cloak of treason and of conspiracy. At the Missouri question in 1820, it openly menaced a dissolution of the Union. Instead of throttling the monster, we submitted to feed it with new concessions. Meanwhile the conspiracy grew, until, at last, in 1860,

under the influence of Mr. Calhoun, it assumed the defiant front of nullification; nor did it yield to the irresistible logic of Webster or the stern will of Jackson without a compromise. The pretended ground of complaint was the tariff; but Andrew Jackson, himself a patriot slaveholder—at that time President—saw the hollowness of the complaint. In a confidential letter, which has only recently been brought to light, dated at Washington, 1st May, 1838—and which, during the last winter, I had the honor of reading and holding up before the conspirators of the Senate, in the original autograph, he says:

"The tariff was only the *pretext*, and disunion and a Southern Confederacy the real object. *The next pretext will be the negro or slavery question.*"

Jackson was undoubtedly right; but the pretext which he denounced in advance was employed so constantly afterwards as to become threadbare. At the earliest presentation of abolition petitions—at the Texas question—at the compromises of 1850—at the Kansas question—at the probable election of Fremont—on all these occasions, the Union was threatened by the angry slave-masters.

But the conspiracy has been unblushingly confessed by recent parties to it. Especially was this done in the rebel Convention of South Carolina.

Mr. Packer said: "Secession is no spasmodic effort that has come suddenly upon us. *It has been gradually culminating for a long series of years.*"

Mr. Inglis said: "Most of us have had this subject under consideration for *the last twenty years.*"

Mr. Keitt said: "I have been engaged in this movement *ever since I entered political life.*"

Mr. Rhett, who was in the Senate when I first entered that body, and did not hesitate then to avow himself a Disunionist, said, in the same Convention: "It is nothing produced by Mr. Lincoln's election or the non-execution of the fugitive slave law. *It is a matter which has been gathering head for thirty years.*"

The conspiracy thus exposed by Jackson and confessed by recent parties to it, was quickened by the growing passion for slavery throughout the slave States. The well-known opinions of the fathers, the declared convictions of all who were most eminent at the foundation of the Government, and the example of Washington were all discarded, and it was recklessly avowed that slavery is a divine institution—the highest type of civilization—a blessing to master and slave alike—and the very key-stone of our national arch. A generation has grown up with this teaching, so that it is now ready to say with Satan,

Evil be thou my good; by thee at least
Divided empire with heaven's king I hold;
As man ere long and this new world shall know.

It is natural that a people thus trained should

listen to the voice of conspiracy. Slavery itself is a constant conspiracy, and its supporters, whether in the slave States or elsewhere, easily become indifferent to all rights and principles by which it may be constrained.

But this rage for slavery was itself quickened by two influences, which have shown themselves since the formation of our Union;—one economical and the other political. The first was found in the unexpected importance of the cotton-crop, which, through the labor of slaves and the genius of a New England inventor, has passed into an extraordinary element of wealth and of imagined strength, so that we have all been summoned to do homage to cotton as king. The second of these influences was found in the temptations of political power—than which no influence is more potent—for it became obvious that this power could be assured to slavery only through the permanent preponderance of its Representatives in the Senate; so that the continued control of all offices and honors was made to depend upon the extension of slavery. Thus, through two strong appetites—one for gain and the other for power—was slavery stimulated; but the conspiracy was strong only through slavery.

But even this conspiracy, thus supported and nurtured, would have been more wicked than strong, if it had not found perfidious aid in the very cabinet of the President. The Secretary of the Treasury, a slave-master from Georgia; the Secretary of the Interior, a slave-master from Mississippi; the Secretary of War, the notorious Floyd, a slave-master from Virginia; and, I fear, also the Secretary of the Navy, who was a Northern man with Southern principles, lent their active exertions. Through these eminent functionaries the treason was organized and directed, while their important posts were prostituted to its infamy. Here, again, you see the extent of the conspiracy. Never before, in any country, was there a similar crime, which embraced so many persons in the highest places of power, or which took within its grasp so large a theatre of human action. In anticipation of the election of Mr. Lincoln, the Cabinet conspirators had prepared the way for the rebellion:

First. The army of the United States was so far dispersed and exiled, that the commander-in-chief found it difficult during the recent anxious winter to bring together a thousand troops for the defence of the national capital, menaced by the conspirators.

Secondly. The navy was so far dispersed or dismantled, that on the 4th March, when the new Administration came into power, there were no ships to enforce the laws, collect the revenues, or protect the national property in the rebel ports. Out of 72 vessels of war, then counted as our navy, it appears that our whole available force at home was reduced to the steamer Brooklyn, carrying 25 guns, and the store-ship Relief, carrying 2 guns.

Thirdly. The forts on the extensive South-

ern coast were so far abandoned by the public force, that the larger part—counting upwards of 1,200 cannons, and built at a cost of upwards of six million dollars—became at once an easy prey to the rebels.

Fourthly. National arms were transferred from Northern to Southern arsenals, so as to disarm the free States and to equip the slave States. This was done on a large scale. Upwards of 115,000 arms, of the latest and most approved pattern, were transferred from the Springfield and Watervliet arsenals to different arsenals in the slave States, where they have been seized by the rebels. And a quarter of a million percussion muskets were sold to various slave States for \$2.50 a musket, when they were worth, it is said, on an average, \$12. Large quantities of cannon, mortars, powder, ball, and shell received the same direction.

Fifthly. The national Treasury, which so recently had been prosperous beyond example, was disorganized and plundered even to the verge of bankruptcy. Upwards of six millions are supposed to have been stolen, and much of this treasure doubtless went to help the work of rebellion.

Thus, even before its outbreak, the conspiracy contrived to degrade and despoil the Government, so as to secure a free course for the projected rebellion. The story seems incredible. But it was not enough to disperse the army, to disperse the navy, to abandon forts, to disarm the free States, and to rob the Treasury. The President of the United States, solemnly sworn to execute the laws, was won into a system of inactivity amounting to a practical abdication of his important trust. He saw treason plotting to stab at the heart of his country; he saw conspiracy, daily, hourly, putting on the harness of rebellion, but, though warned by the watchful commander-in-chief, he did nothing to arrest it, standing always

— Like a painted Jove,
With idle thunder in his lifted hand.

Aye, more; instead of those instant lightnings smiting and blasting in their fiery crash, which an indignant patriotism would have hurled at the criminals, he nodded sympathy and acquiescence. No page of history is more melancholy, because nowhere do we find a ruler who so completely abandoned his country; not Charles I. in his tyranny, not Louis XVI. in his weakness. Mr. Buchanan had been advanced to power by slave-masters, who knew well that he could be used for slavery. The slave-holding conspirators were encouraged to sit in his Cabinet, where they doubly betrayed their country, first by evil counsels, and then by disclosing what passed to their distant slave-holding confederates. The sudden act of Major Anderson, in removing from Fort Moultrie to Fort Sumter, and the sympathetic response of an aroused people, compelled a change of policy, and the rebellion received its first check. It

was decided at last, after a painful struggle, that Fort Sumter should be maintained. It is difficult to exaggerate the importance of that decision, which, I believe, was due mainly to an eminent democrat—General Cass. This, at least, is true: it saved the national capital.

Meanwhile the conspiracy increased in activity, mastering State after State, gathering its forces and building its batteries. The time had come for the tragedy to begin. "At Nottingham," says the great English historian, speaking of King Charles I., "he erected his royal standard, the open signal of discord and civil war throughout the kingdom." The same open signal now came from Charleston, when the conspirators ran up the rattle-snake flag, and directed their wicked cannonade upon the small, half-famished garrison of Sumter.

Were all this done in the name of revolution, or by virtue of any revolutionary principle, it would assume a familiar character. But this is not the case. It is all done under the pretence of constitutional right. The forms of the Constitution are seized by the conspirators—as they have already seized every thing else—and wrested to the purposes of treason. It is audaciously declared that, under the existing Constitution, each State, in the exercise of its own discretion, may withdraw from the Union; and this asserted right of secession is invoked as the cover for a rebellion begun in conspiracy. The election of Mr. Lincoln is made the *occasion* for the exercise of this pretended right. Certain opinions at the North on the subject of slavery are made the *pretext*.

Who will not deny that this election can be a just *occasion*?

Who will not condemn the *pretext*?

But both occasion and pretext are determined by slavery, and thus testify to the part it has constantly performed.

And the pretended right of secession is not less monstrous than the pretext or the occasion; and this, too, testifies to slavery. It belongs to that brood of assumptions and perversions, of which slavery is the prolific parent. Wherever slavery prevails, this pretended right is recognized, and generally with an intensity proportioned to the prevalence of slavery; as, for instance, in South Carolina and Mississippi, more intensely than in Tennessee and Kentucky. It may be considered a fixed part of the slave-holding system. A pretended right to set aside the Constitution to the extent of breaking up the Government, is the natural companion of the pretended right to set aside human nature to the extent of making merchandise of men. They form a well-matched couple, and travel well together—destined to perish together. If we do not overflow toward the first with the same indignation which we feel for the latter, it is because its absurdity awakens our contempt. An English poet of the last century exclaims, in mocking verses—

Crowned be the man with lasting praise,
Who first contrived the pin,
To loose mad horses from the chaise,
And save the necks within.

But this is the impossible contrivance which has been attempted. Nothing is clearer than that this pretension, if acknowledged, leaves to every State the right to play at will "the mad horse," but with very little chance of saving any thing. It takes from the Government not merely the unity, but even the possibility of continued existence, and reduces it to the shadow of a name; or, at best, a mere tenancy at will—an unsubstantial form, liable to be decomposed at the touch of a single State. Of course, such an anarchical pretension—so instinct with all the lawlessness of slavery—must be encountered preemptorily. It is not enough to declare our dissent from it. We must see that our conduct is such as not to give it any recognition or foothold. [*Applause.*]

But instead of scouting this pretension, and utterly spurning it from the Government, new concessions to slavery were gravely propounded as the means of pacification—like a new sacrifice offered to an obscene divinity. It was argued that in this way the Border States at least might be preserved to the Union, and some of the Cotton States, perhaps, be won back to their duty; in other words, that in consideration of such concessions these States would consent to waive the present exercise of the pretended right of secession. Against all such propositions—without considering their character—there was on the threshold one obvious and imperative objection. It was clear that the very bargain or understanding, whether express or implied, was a recognition of this pretended right, and that a State yielding only to this appeal and detained through concessions, practically asserts this claim, and holds it for future exercise, *tanquam gladium in vagina*. Thus a concession called small becomes infinite, for it concedes the pretended right of secession and makes the permanence of the national Government impossible. Amidst all the grave responsibilities of the hour it belongs to us to take care that the life of the Republic is sacredly preserved. But this would be sacrificed at once, did we submit its existence to the conditions sought to be imposed.

But looking at the concessions proposed, I have always found them utterly unreasonable and indefensible. I should not expose them now, if they did not constantly testify to the origin and main-spring of this rebellion. Slavery was always the single subject-matter, and nothing else. Slavery was not only an integral part of every concession, but the single integer. The single idea was to give some new security—in some form—to slavery. That brilliant statesman, Mr. Canning, in one of those eloquent speeches which charm so much by the style, said that he was "tired of being a security-grinder," but his experience was not

comparable to ours. "Security-grinding," in the name of slavery, has been for years the way in which we have encountered this conspiracy. [*Laughter and applause.*]

The propositions at the last Congress began with the President's Message, which in itself was one long concession. You do not forget his sympathetic portraiture of the disaffection throughout the Slave States, or his testimony to the cause. Notoriously and shamefully his heart was with the conspirators, and he knew intimately the main-spring of their conduct. He proposed nothing short of a general surrender to slavery, and thus did he proclaim slavery as the head and front—the very *causa causans*—of the whole crime.

You have not forgotten the Peace Conference—as it was delusively styled—convened at Washington on the summons of Virginia, with John Tyler in the chair, where New York as well as Massachusetts was represented by some of her ablest and most honored citizens. The sessions were with closed doors; but it is now known that throughout the proceedings, lasting for weeks, nothing was discussed but slavery. And the propositions finally adopted by the Convention were confined to slavery. Forbearing all details, it will be enough to say that they undertook to give to slavery positive protection in the Constitution, with new sanction and immunity—making it, notwithstanding the determination of our fathers, *national* instead of *sectional*; and even more than this, making it one of the essential and permanent parts of our republican system. But slavery is sometimes as deceptive as at other times it is bold; and these propositions were still further offensive from their studied uncertainty, amounting to positive duplicity. At a moment when frankness was needed above all things, we were treated to phrases pregnant with doubts and controversies, and were gravely asked, in the name of slavery, to embody them in the Constitution.

There was another string of propositions much discussed during the last winter, which bore the name of the venerable Senator from whom they came—Mr. Crittenden, of Kentucky. These also related to slavery and nothing else. They were more obnoxious even than those from the Peace Conference. And yet there were petitioners from the North—and even from Massachusetts—who prayed for this great surrender to slavery. Considering the character of these propositions—that they sought to change the Constitution in a manner revolting to the moral sense; to foist into the Constitution the idea of property in man; to protect slavery in all present territory south of 36° 30', and to carry it into all territory hereafter acquired south of that line, and thus to make our beautiful Stars and Stripes in their southern march the flag of slavery; considering that they further sought to give new constitutional securities to slavery in the national

capital and in other places within the exclusive Federal jurisdiction; that they sought to give new constitutional securities to the transit of slaves from State to State, opening the way to a roll-call of slaves at the foot of Bunker Hill or the gates of Faneuil Hall; and that they also sought the disfranchisement of more than 10,000 of my fellow citizens in Massachusetts, whose rights are fixed by the Constitution of that Commonwealth, drawn by John Adams; considering these things, I felt at the time, and I still feel, that the best apology of these petitioners was that they were ignorant of the true character of these propositions, and that in signing the petition they knew not what they did. But even in their ignorance they testified to slavery, while the propositions were the familiar voice of slavery crying, "Give, give."

There was another single proposition which came from still another quarter, but like all the others, it related exclusively to slavery. It was to insert in the text of the Constitution a stipulation against any future amendment by which Congress might be authorized to interfere with slavery in the States. If you read this proposition you will find it crude and ill-shaped—a jargon of bad grammar—a jumble and hodge-podge of words—calculated to harmonize poorly with the accurate text of our Constitution. But even if tolerable in form, it was obnoxious, like the rest, as a fresh stipulation in favor of slavery. Sufficient surely in this respect is the actual Constitution. Beyond this I cannot, I will not, go. What Washington, Franklin, and Jay would not insert we cannot err in rejecting. [*Applause.*]

I do not dwell on other propositions, because they attracted less attention; and yet among these was one to overturn the glorious safeguards of freedom set up in the free States, known as the Personal Liberty Laws. Here again was slavery—with a vengeance. But there is one remark which I desire to make with regard to all these propositions. It was sometimes said that the concessions they offered to slavery were "small." What a mistake is this! No concession to slavery can be "small." Freedom is priceless, and in this simple rule alike of morals and jurisprudence, you will find the just measure of any concession, how small soever, by which freedom is sacrificed. Tell me not that it concerns a few only. I do not forget the saying of antiquity, that the best government is where an injury to a single individual is resented as an injury to the whole State; nor do I forget that memorable instance of our own recent history, where, in a distant sea, the thunders of our navy with all the hazards of war were aroused to protect the liberty of a solitary person who claimed the rights of an American citizen. By such examples let me be guided rather than by the suggestion that human freedom, whether in many or in few, is of so little value that it may be put in the market to appease a

traitorous conspiracy or to soothe those who, without such concession, threaten to join the conspirators.

But the warnings of the past, like the suggestions of reason and of conscience, were all against concession. Timid counsels have always been an encouragement to sedition and rebellion. If the glove be of velvet, the hand must be of iron. An eminent master of thought, in some of his most vivid words, seems to have spoken for us. Here they are:

"To expect to tranquillize and benefit a country by gratifying its agitators, would be like the practice of the superstitious of old with their sympathetic powder and ointments; who, instead of applying medicaments to the wound, contented themselves with salving the sword which had inflicted it. Since the days of Dane-gelt downwards, nay, since the world was created, nothing but evil has resulted from concession made to intimidation."—*Whately's Essays of Bacon*. Essay 15, p. 134.

These words are most applicable to these times, when it has been so often proposed to *salve the sword of secession*.

In the same spirit spoke the most eminent practical statesman in English history, Mr. Fox. Here are his words:

"To humor the present disposition and temporize, is a certain, absolutely certain confirmation of the evil. No nation ever did or ever can recover from slavery by such methods."—*Charles James Fox, Letter to Lord Holland, 18th June, 1804*.

Pardon me if I express a regret, profound and heartfelt, that the pretensions of slavery, whether in its claim of privilege or in its doctrine of secession, were not always encountered boldly and austerely. Alas! it is ourselves that have encouraged the conspiracy and made it strong. Secession has become possible only through long-continued concession. In proposing concession we have encouraged secession, and while professing to uphold the Union, we have betrayed it. It seems now beyond question that the concessionists of the North have from the beginning played into the hands of the secessionists of the South. I do not speak in harshness or even in criticism, but simply according to my duty in unfolding historically the agencies, conscious and unconscious, which have been at work, while I hold them up as a warning for the future. They all testify to slavery, which from the earliest days has been at the bottom of the conspiracy and also at every stage of the efforts to arrest it. It was slavery which fired the conspirators, and slavery also which entered into every proposition of compromise. Secession and concession both had their root in slavery.

And now after this review, I am brought again to the significance of that Presidential election with which I began. The slave-masters entered into that election with Mr Breckinridge as their candidate, and their platform claimed constitutional protection for slavery in all Territories, whether now belonging to

the Republic or hereafter acquired. This concession was the ultimatum on which was staked their continued loyalty to the Union—as the continuance of the slave-trade had been the original condition on which South Carolina and Georgia had entered into the Union. And the reason, though wicked, was obvious. It was because without such opportunity of expansion slavery would be stationary, while the Free States, increasing in number, would obtain a fixed preponderance in the national Government, assuring to them the political power. Thus at that election the banner of the slave-masters had for its open device—not the Union as it is, but the extension and perpetuation of human bondage. The popular vote was against further concession, and the conspirators proceeded with their crime. The occasion so long sought had come. The *pretext* foreseen by Jackson, was the motive power.

But here mark well that, in their whole conduct, the conspirators acted naturally under the instincts implanted by slavery; nay, they acted logically even. *Such is slavery that it cannot exist unless where it owns the government*. An injustice so plain can find protection only from a government which is a reflection of itself. Cannibalism cannot exist except under a government of cannibals. Idolatry cannot exist except under a government of idolaters. And Slavery cannot exist except under a government of slave-masters. This is positive, universal truth—at Petersburg, Constantinople, Timbuctoo, or Washington. The slave-masters of our country saw that they were dislodged from the national Government, and straightway they rebelled. The Republic which they could no longer rule they determined to ruin.

But though thus audaciously wicked, they are not strong in numbers. The whole quantity of slave-owners, great and small, according to the recent census, is not more than four hundred thousand; out of whom there are not more than one hundred thousand who are interested to any considerable extent in this peculiar species of property; and yet this petty oligarchy—itsself controlled by a squad still more petty—in a population of many millions, has aroused and organized this gigantic rebellion. But this success is explained by two considerations. First, the asserted value of the slaves, reaching to the enormous sum total of two thousand millions of dollars, constitutes an overpowering property interest—one of the largest in the world; to which may be added the intensity and unity of purpose naturally belonging to the representatives of such a sum total, stimulated by the questionable character of the property. But, secondly, it is a phenomenon attested by the history of revolutions, that all such movements—at least in their early days—are controlled by minorities. This is because a revolutionary minority once embarked, has before it only the single simple path of unhesitating action. While others doubt or hold back, the minority strikes and

goes forward. Audacity then counts more than numbers, and crime counts more than virtue. This phenomenon has been observed before. "Often have I reflected with awe," says Coleridge, "on the great and disproportionate power which an individual of no extraordinary talents or attainments may exert by merely throwing off all restraint of conscience."

* * The abandonment of all *principle of right* enables the soul to choose and act upon a *principle of wrong*, and to subordinate to this one principle all the various vices of human nature."—(*Coleridge's Friend*, Essay 16.) These are remarkable words. But a French writer, Condorcet, the philosopher of the French Revolution, who sealed his principles by his death, urged this very phenomenon for a practical purpose. In a pamphlet addressed to the Parliamentary Reformers of England, he sought to enlist them in a revolutionary movement, and, by way of encouragement, he boldly announces that "revolutions must always be the work of the minority—that every revolution has been the work of a minority—that the French Revolution itself was accomplished by the minority." And Brissot de Warville, another partaker and victim also in this great Revolution, declared that it was carried by not more than twenty men. These declarations were made the subject of a debate shortly afterwards in the British Parliament, where Sheridan bore a brilliant part. They are most suggestive—even if they do not explain the early success of our conspirators. The future historian will record that the present rebellion—nowwithstanding its protracted origin, the multitudes it has enlisted, and its extensive sweep—was at last precipitated by fewer than twenty men; Mr. Everett says by as few as ten. It is certain that thus far it has been the triumph of a minority; but of a minority moved, inspired, combined, and aggrandized by slavery.

And now this traitorous minority, putting aside all the lurking, slimy devices of conspiracy, steps forth in the full panoply of war. Assuming to itself all the functions of a government, it organizes States under a common head—sends ambassadors into foreign countries—levies taxes—borrows money—issues letters of marque—and sets armies in the field summoned from distant Georgia, Louisiana, and Texas, as well as from nearer Virginia, and composed of the whole lawless population—the poor who cannot own slaves as well as the rich who own them—throughout the extensive region where, with satanic grasp, this slaveholding minority claims for itself

—ample room and verge enough
The characters of hell to trace.

Pardon the language which I employ. The words of the poet do not picture too strongly the object proposed. And now these parricidal hosts stand arrayed openly against that paternal Government to which they owed loyalty,

protection, and affection. Never in history did rebellion assume such a front. Call their numbers 400,000 or 200,000—what you will—they far surpass any armed forces ever before marshalled in rebellion; they are among the largest ever marshalled in war.

And all this is in the name of slavery, and for the sake of slavery, and at the bidding of slavery. The profligate favorite of the English monarch—the famous Duke of Buckingham—was not more exclusively supreme—even according to those words by which he was exposed to the judgment of his contemporaries—

Who rules the kingdom? The King.
Who rules the King? The Duke.
Who rules the Duke? The Devil.

The prevailing part here attributed to the royal favorite belongs now to slavery, which in the rebel States is a more than royal favorite.

Who rules the rebel States? The President.
Who rules the President? Slavery.
Who rules Slavery? —

The latter question I need not answer. But all must see—and nobody can deny—that slavery is the ruling idea of this rebellion. It is slavery which marshals these hosts and breathes into their embattled ranks its own barbarous fire. It is slavery which stamps its character alike upon officers and men. It is slavery which inspires all, from the general to the trumpeter. It is slavery which speaks in the word of command and which sounds in the morning drum-beat. It is slavery which digs trenches and builds hostile forts. It is slavery which pitches its white tents and stations its sentries over against the national capital. It is slavery which sharpens the bayonet and casts the bullet; which points the cannon and scatters the shell, blazing, bursting with death. Wherever this rebellion shows itself—whatever form it takes—whatever thing it does—whatever it meditates—it is moved by slavery; nay, it is slavery itself, incarnate, living, acting, raging, robbing, murdering, according to the essential law of its being. [*Applause.*]

But this is not all. The rebellion is not only ruled by slavery, but owing to the peculiar condition of the slave States, it is for the moment, according to their boast, actually re-enforced by this institution. As the fields of the South are cultivated and labor generally is performed by slaves, the white freemen are at liberty to play the part of rebels. The slaves toil at home, while the masters work at rebellion, and thus by a singular fatality is this doomed race actually engaged, without taking up arms, in feeding, supporting, succoring, invigorating those who are now battling for their enslavement. • Full well I know that this is an element of strength only through the indulgence of our own Government; but I speak now of things as they are; and that I may not seem to go too far, I ask your attention to the testimony of a Southern journal:

THE SLAVES AS A MILITARY ELEMENT IN THE SOUTH.—The total white population of the eleven States now comprising the Confederacy, is 8,000,000, and, therefore, to fill up the ranks of the proposed army, (600,000,) about ten per cent. of the entire white population will be required. In any other country than our own, such a draft could not be met, but the Southern States can furnish that number of men and still not leave the material interests of the country in a suffering condition. Those who are incapacitated for bearing arms can oversee the plantations, and *the negroes can go on undisturbed in their usual labors.* In the North the case is different; the men who join the army of subjugation are the laborers, the producers, and the factory operatives. Nearly every man from that section, especially those from the rural districts, leaves some branch of industry to suffer during his absence. *The institution of slavery in the South alone enables her to place in the field a force much larger in proportion to her white population than the North, or indeed any country which is dependent entirely on free labor.* The institution is a tower of strength to the South, *particularly at the present crisis,* and our enemies will be likely to find that the "moral cancer," about which their orators are so fond of prating, is really *one of the most effective weapons employed against the Union by the South.* Whatever number of men may be needed for this war, we are confident our people stand ready to furnish. We are all enlisted for the war, and there must be no holding back until the independence of the South is fully acknowledged.—*Montgomery (Ala.) Advertiser.*

As the rebels have already confessed the conspiracy which led to the rebellion, so in this article do they openly confess the main-spring of their strength. With triumphant vaunt, they declare slavery to be the especial source of their belligerent power.

But slavery may be seen not only in what it has done for the rebellion of which it is the indisputable head—the fountain and life—but also in what it has inflicted upon us. There is not a community, not a family, not an individual, man, woman, or child, who does not feel its heavy, bloody hand. Why these mustering armies? Why this drum-beat in your peaceful streets? Why these gathering means of war? Why these swelling taxes? Why these unprecedented loans? Why this derangement of business? Why among us the suspension of the *habeas corpus*, and the prostration of all safeguards of freedom? Why this constant solicitude visible in all your faces? The answer is clear. Slavery is the author, the agent, the cause. The anxious hours that you pass are darkened by slavery. The *habeas corpus*, and all those safeguards of freedom which you deplore have been prostrated by slavery. The business which you have lost has been filched by slavery. The millions of money now amassed by patriotic offerings are all snatched by slavery. The taxes now wrung out of your diminished means are all consumed by slavery. And all these gathering means of war—this drum-beat in your peaceful streets—and these mustering armies—are on account of slavery and nothing else. Do the poor feel constrained

to forego their customary tea, or coffee, or sugar, now burdened by increased taxation? let them pledge themselves anew against the criminal giant tax-gatherer. Does any community mourn gallant men, who, going forth joyous and proud beneath their country's flag, have been brought home cold and stiff, with its folds wrapped about them for a shroud? Let all who truly mourn the dead be aroused against slavery. Does a mother drop tears for a son in the flower of his days cut down upon the distant battle-field which he moistens with his youthful, generous blood? Let her know that slavery dealt the deadly blow which took at once his life and her peace. [*Sensation.*]

But I hear a voice saying that all this proceeds not from slavery—oh no!—but from anti-slavery; that the Republicans, who hate slavery,—that the Abolitionists—are the authors of this terrible conflagration. Surely you may well suspect the sense or loyalty of him who puts forth this irrational and utterly wicked imputation. As well say that the early Christians were the authors of the heathen enormities against which they bore their martyr testimony, and that the cross, the axe, the gridiron, and the boiling oil by which they suffered were a part of the Christian dispensation. But the early Christians were misrepresented and falsely charged with crime, even as you are. The tyrant Nero, after setting Rome on fire and dancing at the conflagration, denounced the Christians as guilty of this wickedness. Here are the authentic words of the historian Tacitus:

"So for the quieting of this rumor, Nero judicially charged with the crime, and punished with most studied severities, that class, hated for their general wickedness, whom the vulgar call Christians. The originator of that name was one Christ, who, in the reign of Tiberius, suffered death by sentence of the procurator Pontius Pilate. The baneful superstition, thereby repressed for the time, again broke out, not only over Judea, the native soil of that mischief, but in the city also, where from every side all atrocious and abominable things collect and flourish." (*Annal.* XV. 44.)

The writer of these remarkable words was the wisest and most penetrating man of his generation, and he lived amidst the events which he describes. Perhaps in listening to him you may find an apology for those among us who heap upon contemporaries a similar obloquy. The Abolitionists need no defence from me. It is to their praise—destined to fill an immortal page—that from the beginning they saw the true character of slavery and warned their country against its threatening domination. Through them the fires of liberty have been kept alive in the United States—as Hume is constrained to confess that these same fires were kept alive in England by the Puritans, whom this great historian never praised if he could help it. And yet they are charged with this rebellion. Can this be serious? Even at the beginning of the Republic the seeds of the conspiracy were planted, and in

1820, and then again in 1830, it showed itself—while nearly thirty years ago Jackson denounced it, and one of its leading spirits has recently boasted that it has been gathering head for this full time, thus—not only in its distant embryo, but in its well-attested development—ante-dating those Abolitionists whose prophetic patriotism is now made the apology for the crime. As well, where the prudent passenger has warned the ship's crew of the fatal lee-shore, arraign him for the wreck which has engulfed all; as well cry out that the philosopher who foresees the storm is responsible for the desolation that ensues, or that the astronomer who calculates the eclipse is the author of the darkness which covers the earth. [*Enthusiastic applause.*]

And now, that I may give a practical character to this whole history, let me bring it all to bear upon our present situation and its duties. You have seen Slavery even before the Federal Union, not only a disturbing influence, but an actual bar to Union except on condition of surrender to its immoral behests. You have seen Slavery at all times militant whenever any proposition was brought forward with regard to it, and more than once threatening a dissolution of the Union. You have seen Slavery for many years the animating principle of a conspiracy against the Union, while it matured its flagitious plans and obtained the mastery of Cabinet and President. And when the conspiracy had wickedly ripened, you have seen that it was only by concessions to Slavery, that it was encountered, as by similar concessions it had from the beginning been encouraged. You now see Rebellion everywhere throughout the Slave States elevating its bloody crest and threatening the existence of the National Government, and all in the name of Slavery, while it proposes to establish a new government whose corner-stone shall be Slavery. [*Hisses, and cries of Never!*]

Against this rebellion we wage war. It is our determination, as it is our duty, to crush it; and this will be done. The region now contested by the rebels belongs to the United States by every tie of government and of right. Some of it has been bought by our money, while all of it—with its rivers, harbors, and extensive coast—has become essential to our business in peace and to our defence in war. Union is a geographical—economical—commercial—political—military—and if I may so say—even a fluvial necessity. Without union, peace on this continent is impossible; but life without peace is impossible also.

Only by crushing this rebellion can union and peace be restored. Let this be seen in its reality, and who can hesitate? If this were done instantly—without further contest—then besides all the countless advantages of every kind obtained by such restoration, two especial goods will be accomplished—one political and the other moral as well as political. First, the pretended right of secession, with the whole

pestilent extravagance of State Sovereignty, which has supplied the machinery for this rebellion and afforded a delusive cover for treason, will be trampled out—never again to disturb the majestic unity of the republic. And, secondly, the unrighteous attempt to organize a new confederacy solely for the sake of slavery and with slavery as its corner-stone, will be overthrown. These two pretensions, one so shocking to our reason and the other so shocking to our moral nature, will disappear forever. And with their disappearance will commence a new epoch, the beginning of a grander period. But if by any accident the rebellion should prevail, then just in proportion to its triumph, whether through concession on our part, or through successful force on the other part, will the Union be impaired and peace be impossible. Therefore, in the name of the Union and for the sake of peace are you summoned to the work.

But how shall the rebellion be crushed? That is the question. Men, money, munitions of war, a well-supplied commissariat, means of transportation;—all these you have in abundance—in some particulars beyond the rebels. You have too the consciousness of a good cause, which in itself is an army. And yet thus far—until within a few days—the advantage has not been on our side. The explanation is easy. The rebels are combating at home on their own soil, strengthened and maddened by Slavery, which is to them an ally and a fanaticism. More thoroughly aroused than ourselves—more terribly in earnest—with every sinew vindictively strained to its most perfect work—they freely use all the resources that God and nature put into their hands; raising against us, not only the whole white population, but enlisting the war-whoop of the Indians—cruising upon the sea in pirate ships to despoil our commerce and, at one swoop, confiscating our property to the extent of hundreds of millions of dollars, while all this time their four millions of slaves undisturbed at home are freely contributing by their labor to sustain the war, which without them must soon expire.

It remains for us to encounter the rebellion calmly and surely by a force superior to its own. But to this end something more will be needed than men or money. Our battalions must be reinforced by ideas, and we must strike directly at the origin and main-spring of the rebellion. I do not say now in what way or to what extent; but simply that we must strike; it may be by the system of a Massachusetts General—Butler; it may be by that of Fremont, [*here the audience rose and gave long-continued cheers*]; or it may be by the grander system of John Quincy Adams. Reason and sentiment both concur in this policy, which is only according to the most common principles of human conduct. In no way can we do so much at so little cost. To the enemy such a blow will be terror; to good men it will be an encouragement, and to foreign nations watching

this contest, it will be an earnest of something beyond a mere carnival of battle. There has been the cry "On to Richmond," and still another worse cry "On to England." Better than either is the cry, "On to Freedom." [*Tremendous cheering.*] Let this be heard in the voices of your soldiers; aye—let it resound in the purposes of the Government, and victory must be ours. By this sign conquer.

It is with no little happiness that I now announce that this cry is at last adopted by the Government. You will find it in the instructions from the Secretary of War, dated War Department, Oct. 14th, 1861, and addressed to the general commanding the forces which have just effected a successful landing in South Carolina. Here are the important words:

"You will, however, in general avail yourself of the services of any persons, whether fugitives from labor or not, who may offer them to the National Government; you will employ such persons in such services as they may be fitted for, either as ordinary employees or, if special circumstances seem to require it, in any other capacity, with such organization, in squads, companies or otherwise, as you deem most beneficial to the service. This, however, not to mean a general arming of them for military service. You will assure all loyal masters that Congress will provide just compensation to them for the loss of the services of the persons so employed."

These words have not the positive form of a proclamation; but, analyze them, and you will find them full of meaning. First, martial law is hereby declared; for the powers committed to the discretion of the general are derived from that law and not from the late Confiscation Act of Congress. Secondly, fugitive slaves are not to be surrendered. Thirdly, all coming within the camp are to be treated as freemen. Fourthly, they may be employed in such service as they may be fitted for. Fifthly, in squads, companies or otherwise, with the single limitation that this is not to mean "a general arming of them for military service." And, sixthly, compensation, through Congress, is promised to loyal masters; saying nothing of rebel masters. All this is little short of a Proclamation of Emancipation—not unlike that of old Caius Marius, when he landed on the coast of Etruria, and, according to Plutarch, proclaimed liberty to the slaves. As such I do not err when I call it the most important event of the war—the more important because it is understood to have the deliberate sanction of the President as well as of the Secretary of War, and therefore marks the policy of the Administration. That this policy should be first applied to South Carolina is just. As the great rebellion began in this State, so should the great remedy. [*Applause and cheers.*]

Slavery is the inveterate culprit—the transcendent criminal—the persevering traitor—the arch rebel—the open outlaw. As the less is contained in the greater, so the rebellion is all contained in Slavery. The tenderness which you show to Slavery is, therefore, tenderness to

the rebellion itself. [*Applause.*] The pious caution with which you avoid harming Slavery is like that ancient superstition, which made the wolf sacred among the Romans and the crocodile sacred among the Egyptians; nor shall I hesitate to declare that every surrender of a slave by your soldiers back to bondage is an offering of human sacrifice—whose shame is too great for any army to bear. That men should still hesitate to strike at Slavery is only another illustration of human weakness. The English republicans, in their bloody contest with the Crown, hesitated for a long time to fire upon the king; but under the valiant lead of Cromwell, surrounded by his well-trained Ironsides, they banished all such scruple, and you know well the result. The king was not shot, but his head was brought to the block.

The duty which I suggest, if not urgent now, as a MILITARY NECESSITY, in just self-defence, will present itself constantly on other grounds, as our armies advance in the Slave States or land on their coasts. If it does not stare us in the face at this moment, it is because unhappily we are still everywhere on the defensive. As we begin to be successful it must rise before us for practical decision; and you cannot avoid it. There will be slaves in your camps or within your extended lines whose condition you must determine. There will be slaves also claimed by rebels, whose continued chattelhood you will scorn to recognize. The decision of these two cases will settle the whole great question. Nor can the rebels complain. They challenge our armies to enter upon their territory in the free exercise of all the powers of war—according to which, as you well know, all private interests are subordinated to the public safety, which for the time becomes the supreme law above all other laws and above the Constitution itself. If everywhere under the flag of the Union,—in its triumphant march,—Freedom is substituted for Slavery, this outrageous rebellion will not be the first instance in history where God has turned the wickedness of man into a blessing; nor will the example of Samson stand alone when he gathered honey out of the carcass of the dead and rotten lion. [*Cheers.*]

Pardon me if I speak only in hints, and do not stop to argue or explain. Not now, at the close of an address, devoted to the rebellion in its origin and main-spring, can I enter upon this great question of military duty in its details. There is another place where this discussion will be open for me. [*Cheers.*] It is enough now if I indicate the simple principle which will be the natural guide of all who are really in earnest—of all whose desire to save their country is stronger than their desire to save Slavery. You will strike where the blow will be most felt; nor will you miss the precious opportunity. The enemy is before you; nay he has come out in ostentatious challenge, and his name is Slavery. You can vindicate the Union only by his prostration. Slavery is the very Goliath

of the rebellion, armed with a coat of mail, with a helmet of brass upon his head, greaves of brass upon his legs, a target of brass between his shoulders, and with the staff of his spear like a weaver's beam. But a stone from a simple sling will make the giant fall upon his face to the earth. [*Prolonged cheering.*]

Thank God! our Government is strong; but thus far all signs denote that it is not strong enough to save the Union and at the same time to save slavery. One or the other must suffer; and just in proportion as you reach forth to protect slavery, do you protect this accursed rebellion; nay, you give to it that very aid and comfort, which under our Constitution is treason itself. Perversely and pitifully do you postpone that sure period of reconciliation, not only between the two sections—not only between the men of the North and the men of the South, but, more beautiful still, between the slave and his master, without which that true tranquillity, which we all seek, cannot be permanently assured to our country. Believe it; only through such reconciliation, under the sanction of Freedom, can you remove all occasion of contention hereafter; only in this way, can you cut off the head of this great rebellion, and at the same time extirpate that principle of evil, which, if allowed to remain, must shoot forth in perpetual discord, if not in other rebellions; only in this way can you command that safe victory—without which this contest will be vain—which will have among its conquests Indemnity for the Past and Security for the Future—the noblest indemnity and the strongest security ever won—because founded in the redemption of a race. [*Cheers.*]

Full well I know the doubts, cavils, and misrepresentations to which this argument for the integrity of our Government is exposed; but I turn with confidence to the people. The heart of the people is right, and all great thoughts come from the heart. All who hate Slavery and who are true to Freedom will join instinctively in this effort, paying with person, time, talent, purse. They are the minute men of this war—always ready; and yet more ready just in proportion as the war is truly inspired. They at least are sure. It only remains that others who do not share in this animosity to Slavery—that merchants who study their ledgers—that bankers who study their discounts—and that politicians who study success—should see that only by a prompt and united effort against Slavery can this war be brought to a speedy and triumphant close, without which merchant, banker, and politician will all suffer alike. Leger, discount, and political aspiration will be of small value if the war continues its lava flood, shrivelling and stifling every thing but itself. Therefore, *under the spur of self-interest, if not under the necessities of self-defence*, we must act together. Humanity too joins in this appeal. Blood enough has been already shed—victims enough have been offered

at the altar—even if you are willing to continue to Slavery the tribute we are now paying of more than a million of dollars a day.

Events too, under Providence, will be our masters. For the rebels there can be no success. Every road for them leads to disaster. Defeat for them will be bad; but victory will be worse; for then will the North be inspired to a sublimer energy. The proposition of emancipation which shook ancient Athens followed close upon the disaster at Cheronea; and the statesman who moved it afterwards vindicated himself by saying that it proceeded not from him but from Cheronea. The Act of Congress punishing the rebels by giving freedom to their slaves *employed against us*—familiarily known as the Confiscation Act—passed the Senate on the morning after the disaster at Manassas. In the providence of God there are no accidents; and this seeming reverse thus helped the way to the greatest victory which can be won.

There is a classical story of a mighty hunter, whose life in the Book of Fate, had been made to depend upon the preservation of a brand which was burning at his birth. The brand, so full of destiny, was snatched from the flames and carefully preserved by his prudent mother. Meanwhile the hunter became powerful and invulnerable to mortal weapons. But at length the mother, indignant at his cruelty to her own family, flung the brand upon the flames and the hunter died. The story of that hunter, so powerful and invulnerable to mortal weapons, is now repeated in this rebellion, and Slavery is the fatal brand. Let our Government, which has thus far preserved Slavery with maternal care, simply fling it upon the flames which itself has madly aroused, and the rebellion will die at once. [*Sensation.*]

Amidst all the perils which now surround us, there is one only which I dread. It is the peril which comes from some new surrender to Slavery—some fresh recognition of its power—some present dalliance with its intolerable pretensions. Worse than any defeat or even the flight of an army would be such abandonment of principle. From all such peril, good Lord deliver us! And there is *one way of safety*, clear as sunlight—pleasant as the paths of Peace. Over its broad and open gate is written simply, JUSTICE. There is victory in that word. Do justice, and you will be twice-blessed; for so you will subdue the rebel master while you elevate the slave. Do justice frankly, generously, nobly, and you will find strength instead of weakness, while all seeming responsibility will disappear in obedience to God's everlasting law. Do justice, though the Heavens fall; but they will not fall. Every act of justice becomes a new pillar of the Universe, or it may be a new link of that

—golden everlasting chain
Whose strong embrace holds heaven and
earth and main.

Doc. 8.

THE PORTUGUESE DECLARATION.

THE subjoined declaration of the Portuguese Government in the matter of privateering was procured at the instance of the American Minister, the Hon. J. E. Harvey, and will be found entirely satisfactory in both its substance and form, while the alacrity with which it was issued by the Government of Portugal reflects credit upon the efficiency of Mr. Harvey, and at the same time evinces the good disposition of that friendly kingdom.

It being proper, in view of the circumstances at present existing in regard to the United States of America, to carry into effect the principles established in the Declaration of Paris of 16th April, 1856, made by the Representatives of the Powers that signed the Treaty of Peace of 30th March of that year, to which declaration my Government acceded, and likewise for the same reason to adopt other measures which I deem opportune, I have been pleased, after hearing the Council of State, to decree as follows:

ARTICLE I. In all the ports and waters of this kingdom, as well on the continent and in the adjacent islands as in the ultramarine provinces, Portuguese subjects and foreigners are prohibited from fitting out vessels destined for privateering.

ARTICLE II. In the same ports and waters, referred to in the preceding article, is in like manner prohibited the entrance of privateers and of the prizes made by privateers, or by armed vessels.

The cases of overruling necessity, (*force maior*), in which, according to the law of nations, hospitality is indispensable, are excepted from this regulation, without permission, however, being allowed in any manner for the sale of any objects proceeding from prizes.

The Ministers and Secretaries of State in all the Departments will thus understand and cause it to be executed.

KING; Marquez de Loulé; Alberto António de Mordos Carvalho; Visconde de Sa da Bandeira; Carlos Bento da Silva; Theago Augusto Velloso de Horta; Antonio José d'Avila.

Palace of Necessidades, July 29, 1861.

Doc. 9.

SHAMBAUGH'S ADDRESS.

St. Louis, Mo., January 28, 1862.

Editor Rebellion Record:

DEAR SIR: Last fall the late traitorous Governor of this State, C. F. Jackson, pretended to convene the Legislature at a point more than two hundred miles distant from the seat of Government, and the assembled body pretended to dissolve the connection of Missouri with the Union, and swing her off into the Southern Confederacy. The whole thing was a stupendous fraud, as everybody hereabouts has all along believed; but it is only within a few days

past that the facts of the case have come out. Mr. Isaac N. Shambaugh, a member of the House of Representatives from De Kalb County, who was a secessionist, (and still is, perhaps,) and was present at the bogus Legislature, has published the enclosed address to his constituents, which I forward to you for the "Record" as an important historical document, illustrating the desperate means resorted to by traitors to accomplish their nefarious designs, and destroying any vestige of claim that Missouri has taken any step toward secession. Yours truly,

C. D. DRAKE.

ADDRESS OF I. N. SHAMBAUGH.

To the People of De Kalb County:—Fellow-Citizens: As your representative in the Missouri Legislature, I deem it my duty (unpleasant as it may be, in more respects than one) to lay before you the prominent facts concerning the action of the late pretended extraordinary session of the General Assembly, and the pretended relationship thereby established between the State of Missouri and the Government of the Confederate States.

I am induced to do this from two considerations: In the first place, I am informed that some of you are dissatisfied with what is said to have been my course in that body; and in the second place, it is my duty, as your representative, to make known to you the exact facts, to the end that you may no longer labor under any misimpression as to the Government to which you continue to owe the same constitutional fidelity that you did when I was elected to represent you.

It is doubtless known to most of you that the House of Representatives of our State consists of one hundred and thirty-three members, and the Senate of thirty-three members, and that in order to constitute a quorum constitutionally competent to the transaction of any business, there must be present at least sixty-seven members of the House, and seventeen members of the Senate. Instead of this, there were present at the October session referred to (at Neosho) but thirty-nine members of the House of Representatives, and ten members of the Senate. A few days afterward, when we had adjourned to Cassville, one additional Senator and five additional Representatives made their appearance; and these being all that were at any time present, it need scarcely be added that all the pretended legislation at either place was a fraud, not only upon the people of the State, but upon the Government of the Confederate States, as well as the United States.

It is trusted that these facts will constitute a sufficient answer, not only to the objection which is urged against me of having been opposed to holding a session of the Legislature at the time and place alluded to, but also to the further objection that I voted against the secession ordinance, the act ratifying the Constitution of the Provisional Government of the Confederate States, the bill appointing Senators and

Representatives to the Confederate Congress, and the bill appropriating ten millions of dollars for the defence of the State. How could I have done otherwise than to vote against these measures, (being all that I remember as having been passed,) without betraying the trust you reposed in me, and bringing lasting infamy and dishonor upon my name?

However much I may have sympathized with the Confederate States, and however ardently I may have desired to have Missouri admitted into the Union of that Confederacy, I could not consent (nor did I) to attempt the accomplishment of that object by so stupendous a fraud, and by so blasphemous a violation of my oath of fidelity to the Constitution of the State. I trust I need scarcely add that I have too much confidence in your upright patriotism, and in your devotion to the principles of constitutional government, to believe that you would have desired me to act otherwise than as I have acted, and am now acting.

It may, perhaps, be assumed by those who are impugning my motives, and reflecting upon what they charge as my defection from the secession party, that the *record* will not sustain me in the foregoing statement of the *facts* of the case, but that the journals will show that there was a quorum of each house present. To this it will be sufficient to reply that, although the records were purposely so "made up" as to *conceal* the real facts, an inspection of them will demonstrate to the most ordinary sagacity (much less the practised eye of the *legislator*) that there was *not* a constitutional majority present, at any time, in either house or at either place.

I did not examine the Senate record, but am informed that it was made up in a manner similar to that of the House, which nowhere gives the names or the number of the members present, nor the names or the members who voted upon the passage of any bill, but simply states that "the bill was passed, all the members present voting in the affirmative, except Mr. Shambaugh, who voted in the negative." There may be slight variations from this in some of the entries, but they are all substantially the same. A method *not* unusual of making up a record will not of course be permitted to invalidate a statement in which I could not *possibly* be mistaken; for I was there, and acted the part I was thus constrained to act, in relation to transactions too momentous to be either misremembered or slurred over by a false or imperfect record. The Confederate States have been defrauded. Missouri is *not* one of them, but stands as she has heretofore done.

I have then, fellow-citizens, upon my return amongst you, presented you with such a synopsis of facts, not heretofore made public, as will enable you to decide intelligently and fairly, not only in respect to my own conduct, but with respect to the complications which so unhappily distract and divide us. Praying that a merciful Providence may speedily restore to us

the blessings of a good Government, I remain, very respectfully, &c.,

ISAAC N. SHAMBAUGH.

January 21, 1862.

Doc. 10.

BIRTH AND DEATH OF NATIONS; A THOUGHT FOR THE CRISIS.

BY JAMES MCKAYE.

In the primitive ages of the world, long before the dawn of history, while Prometheus lay chained to the rock, and the men of Shinar, dispersed by the divine anger, settled themselves in new habitations, there was sent into that far-off eastern land, the earliest home of the race, a messenger from the celestial powers. With a virgin's head and face, she had the stalwart body of a lion and the strong wings of an eagle. She had been taught by those primeval intelligences and instructors of the gods, the Muses, and knew all the wisdom of the ages, past and to come; and her commission was to stand on the waysides, and in the great thoroughfares of the people, and put questions—riddles—to the passers by. Questions, doubtless very apt, significant and necessary to be put, but often, to that infant race, most obscure, enigmatical, and difficult of right answer. And yet there was no escape; answered they must be, wisely, justly, and to the point, under penalty of a sudden and sure destruction,—for such was the inexorable decree of the inscrutable Powers that ruled that ancient world. To-day even, whoever likes, and can afford it, may see her colossal image cut out of a black basaltic spur of the Libyan mountains, overlooking the Nile, a neighbor and meet companion of the great Pyramid of Cheops.

To the Greeks the *SPHINX* was the offspring of Chimera. In disparagement of her authenticity, the sceptics call her a *MYTH*, as if the Myths were not the oldest and most indestructible facts in the history of the world. But by whatever name she may be called, from that remotest period of the ethnic formations of humanity, the beginnings of nations, even unto this day, have her arduous questions been propounded, and always with no jot or tittle of the old penalty abated—a right true answer or certain overwhelming ruin.

On no habitable summits of the earth, in any age of human history, have questions of a higher import or involving mightier interests, secular and eternal, been put to the sons of men, than those that to-day so urgently press themselves upon the consideration of the people of these United States. Nor can their just solution be any longer avoided or delayed, under forfeitures more disastrous and deplorable than any people ever before were called upon to pay. For this is the nineteenth century of the Christian era, and we live under its Master's unfailling word—"Unto whom much is given, much will be required." Very necessary is it then,

that we should lift ourselves intelligently to the moral level of these questions, and in the faith that truth alone has the right to reign over the world and to govern its facts, without attempting to anticipate or forestall the final dispositions of the Infinite Providence, make our answer fearlessly, in the light of that Word, and of history.

And first of all, in the order of events as well as of the argument, it is demanded of us to answer by what **RIGHT** we call ourselves a nation, and claim to hold and rule as one **INDIVISIBLE DOMAIN**, all these broad territories, stretching from ocean to ocean.

The question is asked upon quite another and higher authority than that of any Confederate States' president or congress. Nor does the roar of their cannon constitute the most urgent reason for its prompt answer. That became necessary only in consequence of the obdurate dulness of the national ear to "the still small voices." Even so has it been from the beginning—"the still small voices" once become inaudible, and the Supreme Powers must needs commission the loud and ever louder ones, even unto the roar of whole batteries of rifled cannon. Already at Sumter, Bull Run, and elsewhere have these batteries belched forth such a denial of the nation's right to national existence, as leaves no doubt of the internecine nature of the hatred that so vents itself, and demonstrates the imminency of the crisis that urges us to a thorough examination of the grounds upon which the great battle must be fought, in order that *our* batteries may be planted upon the immovable foundations laid by the fathers, and our cannon charged, not alone with the elemental forces of carbonized saltpetre, but, consubstantial with these, with the far more invincible logic of that Divine Word, which in the beginning became flesh in this nation, and will, in defiance of all the powers of darkness that assail it, have free course and be glorified in its history.

Let us, then, to begin with, clear our minds of that atheistical, impious, secession vagary—that a nation is a species of heterogeneous, accidental aggregation of men or of states, held together by a sort of "balance of interest treaty" or contract of co-partnership, entered into for the purpose of establishing and carrying on the hitherto highly profitable business of stump-speech making for "Buncombe," securing "the spoils of victory" in certain annual games of ballot-box stuffing, and breeding "colored chattels" for the shambles of king cotton. This notion of the essential nature and purposes of our national existence, has now for several years been entertained, and by many distinguished politicians and leaders of the people, with no little energy, reduced to practice in these United States,—with what effect begins to be apparent enough. No more false or fatal emanation from the bottomless pit ever lodged itself in the human understanding, and the necessity of dislodging it with the truth seems

just now very urgent indeed, to the present writer.

The **TRUTH** being that, even in the most rigorous scientific definition of it, a **NATION** is an organized body, and by no means a mere aggregation of individual men or independent communities; and so, like every other organized body, must, from the very nature of things, incorporate its own distinctive organic force or Idea. Indeed, it is only in virtue of this distinctive organic idea, that it becomes a nation at all. To this merely formal statement of the truth, history, irradiated by the light of eighteen Christian centuries, adds a far sublimer derivation and broader scope. It declares, that in the great epochs of the world, the Omnipotent Providence confides to a chosen people the revelation of a great truth, a great regenerative **IDEA**; and that from thenceforth, that idea becomes for that people the germ of its national life and civilization—its soul, without which it could no more be a nation, than the human body could be a man without the human soul. For in this more excellent sense, a nation is but a larger form of humanity, a grander Cosmos or receptacle of the Divine Presence in the world. And it is this Presence, this fundamental Idea, which constitutes the real substance of the national life, and determines the legitimate character and course of the national development and civilization.

This presence of a divinely posited fundamental Idea, as vital force in the ethical evolutions and growth of nations, is the highest, grandest fact in the history of the race. The sublimest theme of the oldest Scriptures is this doctrine of the genesis of all things from the Spirit "moving upon the face of the deep;" the first product being light, thought, idea—and then the idea emerging into articulate word, a fact in time. Not only the solid earth, upon which to-day beats the heavy tramp of our armies, was so founded, but so were embodied and established all the several nations that have dwelt upon its surface, even unto that one whose "covenant of life" bears date on the fourth day of July, 1776, and contains these ever-memorable words, then first in the providential unfolding of the ages made audible to the ears of men:

"ALL MEN ARE CREATED EQUAL, ENDOWED BY THEIR CREATOR WITH THE INALIENABLE RIGHTS OF LIFE, LIBERTY, AND THE PURSUIT OF HAPPINESS."

"America," said the great Earl of Chatham, in a memorable debate in the English House of Lords in 1770, "was settled upon ideas of liberty." By what Promethean struggles has every simplest truth, every human right, to get itself established on the earth! What a career had that English humanity to run from whence America sprung, before even the dimmest adumbration of human liberty could emerge into articulate expression, and obtain for itself some faint acknowledgment as natural human right; some dubious authority as the

Common Law! And even now, it is only where that law prevails that any such liberty exists. For wherever the civil or Roman law is supreme, such liberty as it recognizes exists only as a franchise, as founded in the idea of a grant from lord or sovereign to his subject; and the idea has proved itself stronger than all the might of the people. No number of French revolutions, not even a "reign of terror," has been able to prevail against it. Is it not necessary, then, to believe in the solidity and strength of ideas? The very fact is, that the whole interminable web of human history is woven, "upon the roaring loom of time," of nothing else but ideas.

Doubtless the words of the wise old statesman were most true: "America was indeed settled upon ideas of liberty," but not of liberty only. Ideas of a still broader scope and grander aim, wrought silently but strenuously in that settlement; ideas originating in the advent of the divine Manhood into the world, and the sublime transfigurations thereby effected in the status and history of the race; ideas of the equal dignity and worth of the common humanity, in its own spiritual substance, as the begotten of God, the bearer of his image, the continent of his presence in the world, and, by right of its own nativity, endowed with the faculty of "life, liberty, and the pursuit of happiness." In no merely pagan age, under no merely pagan development, could this idea have been evolved. All the previous ages of Hebrew and heathen longing and endeavor were necessary, doubtless, to the great gestation and the coming of that "fulness of time." But then, as a condition precedent, the highest, divinest man must have the humblest parentage, the lowest birthplace, most necessitous life, and most ignominious death. So much must become a fact of history, and to this fact must be conjoined the idea, not less a truth, that this humblest, most stricken man was a Divine Presence—the very Logos of God—the Light of the world. This, and eighteen hundred years beside, of human effort and travail, of human failure and divine grace, were required to rehabilitate human nature with its original divine right of sonship to God, and to evolve the great regenerative idea upon which America was founded, and in which lie enwombed the germ and vital forces of its whole national life, civilization, and well-being.

What less than this idea of the consubstantial equality of all men—of man in his own substance as man, without regard to the accidents of birth, fortune, education, or complexion—could have supplied a ground broad enough upon which to found a nationality, whose membership from the beginning was intended to embrace the outcasts and expatriated of all the other nations and races of men; and to whom should be given a whole continent for work-field?

The advocates of what is called conservatism in England, which has come to mean a blind

perpetuity of legalized wrong, seem just now to take heart and jubilate amazingly over what they call a "failure of the democratic experiment." The men who for eight hundred years have held the proceeds of the great robbery committed by the hordes of William the Conqueror, and the men who have cunningly filched and funded the profits of the labor of the English worker for the same time, may naturally enough rejoice over even a semblance of failure of a system founded in ideas of human equality, and the right of the humblest man to enjoy the benefits of his own labor. But let them be assured that, whatever may be the issue of the present struggle in this country, there is not the least ground for their jubilation. In the first place, the "disruption" upon which they rely has arisen wholly out of a practical repudiation of the ideas upon which our "democratic institutions" were founded, and by no means out of any inherent defect in these ideas. In the second place, if the conspirators of the South should succeed in making the disruption permanent, and in founding a State upon a system which accomplishes even a worse robbery of human rights than that upon which older aristocracies are founded, it will not in the least constitute a failure of "democratic institutions," but rather purify and reinvigorate them, giving them new scope, power, and dignity, in the face of which no such system could long endure.

The truth is, that the perpetual mutations and revolutions that so convulse and afflict European society have their source in the antagonisms arising out of the circumstantial, the accidental, in human condition, and the overwhelming predominance of the class interests upon which that society is founded. Only upon that which is in itself durable, only upon the permanent element in human nature—the equal dignity and worth of manhood in its own spiritual substance—can any nationality or social polity be founded, which shall at once be permanent in its own nature and admit of a free development in all of its conditions. This is the ground of Christianity—the ground upon which God founds his own government of the world—the ethical evolutions of his own providence, and, as a great product of that providence, of our nationality and free democratic institutions.

And so we reach the answer to the question, as to the nature of that right by which we are authorized to call ourselves a NATION. The *right* inheres in the *idea* contained in the great Declaration—"All men are created equal, endowed by their Creator with the inalienable rights of life, liberty, and the pursuit of happiness,"—and is inseparable from it. But no spiritual entity, no idea, can be maintained in the world, without giving it a body—without making it a fact. And herein consists the human function in the ethical evolutions of history. The idea is the gift of God—to transmute it into fact, into institutions, manners,

and laws, is the work of man. In no other way can the fundamental idea of our nationality be maintained and made to bear its legitimate fruit, but by making it, in all its grand and beneficent meaning, the basis of the actual state and condition of the whole body of the nation in all the relations of its membership. In this idea consists the true life and real unity of the nation, its life and unity in its immortal substance. The ethnic formation, the body of the nation, is but the product of this idea, and that portion of it only in which the idea *lives* and is faithfully developed hold the right of nationality—are, in fact, the nation.

Very important is it at this conjuncture in our national history, that all men should clearly comprehend the nature of this life and the nature of that by which it may be fatally injured and subverted. By no amount of material power, by no number of battalions, can it be seriously affected or endangered, so long as the idea in which it subsists is retained in full force and virtue to vivify the hearts of the people. On the other hand, that which attacks, weakens, and tends to obliterate this idea, is to be regarded as the *implacable* enemy to whom no quarter can be given. For as surely as the great oak of the forest begins to wither and decay the moment it ceases to obey the vital force contained in the germ from whence it sprung—the moment it ceases to *grow* in accordance with the law of its own organic life—so surely does a people begin to fall into ruin the moment it ceases to develop the fundamental idea of its own nationality, to work out its own appropriate civilization and history.

Can there be any doubt, then, as to our supremest, most sacred national obligations? What else from the beginning had we to do but faithfully to execute the great providential trust confided to us, to make the broadest meaning of that solemn Declaration fact in our history? Was not this the immutable condition of the covenant made by the fathers with God and humanity, in virtue of which we became invested with the *divine right* of nationality, and for the faithful performance of which they solemnly pledged, not only their own, but, as its representative head, "the life, the fortune, and sacred honor" of the nation?

Has that solemn pledge been kept? Have we as a people fulfilled the conditions of that covenant of national life? What, in truth, has been hitherto the purport of our national endeavors? Not to speak here of the unparalleled development of our material interests and our really great achievements in whatever appertains thereto; not to speak of the genuine, manly work performed with "axe and plough and hammer," or of its appropriate reward, abundant crops of "Indian corn, and cotton, and dollars"—with our much vaunted FREE PRESS, PULPIT, and BALLOT BOX—what have we really done, up to this year of our Lord, 1862, toward the accomplishment of the great providential undertaking committed to our hands?

The ear of the ancient Inscrutable Questioner listens for a right true answer; and however deeply the national brow may be suffused with the blush of shame, a right true answer is supremely necessary to the future safety and well-being of the nation. And the TRUTH, coined into the gentlest admissible terms, declares that to us as a people, whatever else we may have done of good or left undone of evil, belongs the *distinguished infamy* of having given birth to the device and developed into an *institution*, a scheme of human degradation in which a human soul is held bereft, not only of all civil liberty and rights, but of all its natural attributes—is held to be not a *person*, but a bit of *property*—not to possess even a *human* life, but only that of a *beast*, and as a *beast*, is kept for breeding other beasts, (often with white men for sires,) for the public markets of the world; a scheme which rolls back the civilization of two thousand years, blots out the central idea of Christianity, and reestablishes a worse than pagan barbarism; and all this in the face of the great announcement made eighteen centuries ago of God's all-beneficent intention to redeem, emancipate, and glorify the *nature* of his offspring—*human* nature. For what other meaning is there in that divine assumption of this nature, in its humblest condition? what other significance in the bewildered history of these centuries?

A cruel system of servitude did indeed exist among the ancient nations. But its fundamental idea was the idea of *authority*—authority absolute and monstrous, but still of authority and not of *property*. In ancient Greece, where the slave had no political or civil rights, his quality as a human being, as a man, was respected. It was only in Rome, that ultimate flower of all pagan cupidity and rapine, where slavery existed on a scale so monstrous as almost to defy belief, that something like the Amerian idea prevailed. But even in the Rome of the emperors, the manhood of the slave was not totally annihilated. The old pagan master regarded his *servi* rather as ministers to his comfort or luxury, than as the subjects of traffic or a source of revenue. "In the household of an opulent senator," says Gibbon, "might be found every profession, either liberal or mechanical. Youths of a promising genius were carefully instructed in the arts and sciences." And yet, God in history never taught any truth more clearly or more emphatically, than that Roman slavery was the great enemy by which that grandest fabric of pagan civilization, the Roman nationality and empire, was utterly overthrown and subverted.

As the primeval perfidy, the primal thought of evil, which culminated in the first revolt of arrogant selfishness and pride, had birth in the highest circles of created intelligences, so it would seem that only among a people founded upon ideas of liberty and the equal dignity and worth of manhood, could a scheme so atrocious as Southern slavery be brought forth. An arch-

angel only could become the father of lies. Only the *inner light* of a people to whom the divine Manhood had been revealed, could become such utter darkness.

Surely a most strange and portentous result of national endeavor, in view of the point from whence the nation set forth upon its career, is this American slavery—this *institution* of the spoliation of human nature. For the gist of the great evil does not so much consist in the outrage committed against the civil rights of the enslaved, atrocious as that is, as that in their persons an irretrievable offence is perpetrated against our common humanity, and thence such a fatal injury to the vital idea of our nationality and civilization, as, if persisted in, we may not even hope to survive. For if the TRUTH set forth in that solemn national Declaration shall not succeed in making all men in this land free, then the *false* shall triumph in making all men slaves. This is the inexorable divine law, of which all human history is but the illustration. The great false pretence, which the nation still so insanely persists in—the great lie it so shamelessly holds in its right hand—by a fatal law of accretion shall draw to them all other perfidies, until the national heart and consciousness shall become so darkened and depraved that no sense of truth, human or divine, no love or reverence for any human rights, liberty, or manhood shall remain, and the national life and history shall become a very “devils’ chaos instead of a God’s cosmos.” In the communities where the malign and lying spirit of slavery has taken the most complete possession of the understandings and hearts of men, this transformation seems already to have taken place. So utterly has all sense of the most sacred human rights and obligations been extinguished, all fealty and patriotism eaten out, as to make the most atrocious villainies appear like innocence, and treason against the grandest fabric of human liberty ever erected on earth, like the noblest of civic virtues—nay, more, like the most sacred and divinely imposed duties. Says the Rev. Dr. Palmer of New Orleans, a man of learning and thought, and a great authority in these communities, “*The great providential trust to the South is to conserve and perpetuate the institution of domestic slavery. Let us take our stand on the HIGHEST MORAL GROUND, and proclaim to all the world that we hold this trust from God. In defending it, to the South is assigned the high position of defending before all nations, the cause of religion and all truth.*”

What else is this, but the ravings of the madness and dementia engendered by slavery? What must be the condition of a people, whose seers and prophets have become so profoundly unconscious of their own utter demoralization? By a like process have perished the most powerful and proudest nations of antiquity. And so inevitably must this nation perish, unless it can be awakened to its true peril and moved to expurgate and cast out forever the insidious perfidy, the fatal lie, that corrupts and consumes

its vitals. For let not these people be deemed worse by nature than others. It is but the blind and malignant spirit of slavery that speaks with their tongue, and with their hands brandishes its weapons. Is this a spirit any longer to be paltered with? Ought we any longer to entertain its insidious, treacherous sophistries? If that were possible, could we afford, even at the price of the restitution of the external unity of the nation, to lose the light and glory of its internal life—at the price of saving our national body, can we afford to barter away our national soul?

We stand then at this pass. We know from whence and upon what conditions we hold our right to national existence and well-being. We know, beyond a peradventure, the implacable enemy that seeks their destruction. We know even, that by a necessity of its own nature, it cannot do otherwise than destroy them utterly, unless itself be destroyed. What else, in fact, is that open treason to the external unity of the nation, that to-day with so much “pomp of circumstance” sets its battle in array, but the outward expression of the far more dangerous treason that now for many years has been building its intrenchments in the national heart and sapping the very foundations of the national civilization and strength? What else, but the necessary outbreak of that subtle and malign perfidy that for a generation has burrowed in the national understanding, spawning its lies and sowing them broadcast through the land, until now, like the dragon’s teeth, they spring up armed men—traitors. Or, does any man not stone-blind, believe that if to-day the Union were to be restored, and with it the pernicious cause of its disruption placed again under the guarantees of the Constitution, the nation would not thereby be set back, to begin the great war over again, unless slavery had thus secured to itself the mastery of the National Government? This is its supremest necessity, and the instinct of this necessity, opjoined with a conviction that the mastery of the National Government had escaped from their hands, compelled the slavemasters to undertake disunion at all risks. On this point we have done these men a kind of injustice. Slavery can no more exist under a government of practical freedom, than liberty can exist under a government mastered by slavery. It is but the common exigency of every legally established human wrong. To secure itself against the attacks of light and truth, against the perpetual encroachments, “coercions” of human progress, it must be master of the power that makes the laws. Under whatever political system or form of government, therefore, slavery shall hereafter be permitted to exist on this continent, whether in a Southern confederacy or a restored Union, it will, it must, from a necessity of its own self-preservation, be master of the Government and national institutions, and through these, of the national life, civilization, and history. There is then no alternative for this nation; either its

own original, divinely endowed life must be surrendered up, or it must conquer and destroy its unappeasable enemy, slavery.

That the nation possesses the requisite *material power* to make this conquest, is not generally questioned, at least in the loyal States—to say nothing of the *perennial strength* inherent in the great idea of our nationality, which still abides with them, and day and night cries out for *its* right to conquer in this war. The question about which men seem to doubt, and our public functionaries hesitate, is, has the nation the right to use the means of conquest which it possesses? It is said the national Constitution forbids it; that, by some extraordinary ineptitude, this great palladium of liberty has the power only to cover and protect slavery. If this were true, the decisive answer would be that the Constitution was made for man, and not man for the Constitution. But it is a great defamation of that justly to be respected instrument. In its own nature, as a form of *national government*, as the supreme law of the nation, it recognizes the nation's right of self-preservation, and to the use of all the means necessary to that end. It recognizes the existence of the present most atrocious war, waged by the princes of the powers of slavery against the nation's life, and authorizes the sovereignty which it creates, to clothe itself with the rights and powers, known and acknowledged by all civilized nations as the laws of war; and with which all States and communities in a state of war are invested, whether it be a national or a civil war. So that the powers of the National Government, administered in strictest conformity with the Constitution, are just so far enlarged by a state of war, as are all the powers conferred by the laws of war. To disregard these laws, and the powers which they confer in time of war, is just as unconstitutional, in the truest meaning and intent of that instrument, as it would be to exercise them in time of peace. Nor is it by any means a matter of mere option with those upon whom the people have devolved the duty of carrying into effect the rights and powers of *their* Government, whether or not these powers shall be exercised. On the contrary, by their official oaths, by all the most sacred obligations that can bind the consciences of men, they are bound to see to it, that, in the present exigency, the nation suffers no loss, loses no advantage, that might arise out of the exercise of these constitutional war powers.

Already has the judgment of the nation and of history been pronounced upon the dastardly excuse, "a want of constitutional power," for the failure to suppress the rebellion in its very inception. No reversal of that judgment is possible, so far as James Buchanan is concerned, whatever may be the issue of the present struggle. In the history of this country, in the memory of all the coming generations of men, his name while it lasts, will stand associated with the most worthless of his race—will serve

as a by-word to illustrate the most utter destitution of all truth, valor, and manliness in high station, the most pitiful, perfidious, and cowardly official failure that ever disgraced human nature; unless, indeed, he shall have the good fortune to be forgotten in the presence of some still more infamous official delinquency that awaits future developments in the history of our public functionaries. For, leaving out of the question the maxims of the highest order of statesmanship, the briefest consideration of the laws of war and the powers thereby conferred upon the National Government, will serve to demonstrate, that if the servants of the people, who have been intrusted with that sacred duty, fail to destroy the cause of the war and thereby save the life of the nation, a repetition of his excuse—"want of constitutional power"—will not avail to save them from still profounder depths of public execration and infamy.

Mr. Buchanan, yielding himself to the inducements with which the minions of slavery have so well known how to seduce or intimidate northern politicians, refused to take the first step against the insidious approaches of the enemy. In his last days it was Virginia's *love* for the Union that served their purpose to infatuate and blind the pitiful "old public functionary." But all his life long he had been their willing bondman and hireling. As wages, they had given him the presidency, and as some semblance of excuse, he might set up the old maxim "honor amongst thieves." On the other hand, Mr. Lincoln, even when he accepted the presidential candidacy, knew of the threats of the slave oligarchy to overthrow the government and destroy the nation. It was from the loyal people of the FREE STATES that he received his great office, in the face of these threats, and under the clearest and most solemn engagements, that even the *peaceful* encroachments of slavery should be withstood and combated, with all the means and powers thus placed in his hands. While he put on his robes of office, slavery with the most audacious celerity became treason, then open rebellion, and to-day with its great army besieges the National Capital—the implacable public enemy of the nation. Mr. Lincoln, unlike Mr. Buchanan, did indeed "put his hand to the plough," and with a just sense of his position, took a first step in the right direction—appealed to the patriotism of the nation. Instantly it became apparent enough to whom belonged the memories of the Revolution, and the inheritance of the institutions and government founded by Washington and his compatriots. The lines of loyalty were found to coincide exactly with the boundaries of slavery. While on the one side of these boundaries, the response to his appeal was a shout of derision, of hatred and defiance of that government, on the other, twenty millions of freemen, acknowledging it as their most precious possession, with one heart and one voice rose up to its defence. Mr. Lincoln got more than he asked. With urgent alacrity, the nation en-

dowed its government with all its possessions and all its power. An army of the sons of the people, such as no monarch ever owned, has now for months, with burning heart, awaited its orders to execute the righteous judgment of Eternal Justice against the great treason. On the part of the people there has been no shadow of failure—no quailing—no hesitancy. It is the *Government* only that seems to falter. There runs a rumor through the country, that the same insidious, treacherous influences which spellbound Mr. Buchanan to his ruin are at this very hour laying close siege to the heart of Mr. Lincoln. To-day, it is said, the same old arch-liar and deluder, assuming the guise of Kentucky's *love of the Old Union*, is at work blinding the eyes and binding the hands of the President, and so expects to gain the time necessary to send his embassies abroad, and engage the services of other and mightier forces to achieve for him the conquest he seeks—our national ruin. In the presence of their great sacrifices, is it strange that this rumor should stir all loyal hearts with an inexpressible anguish and indignation? Abundantly provided with a great nation's armed strength and will to vindicate and reestablish God's justice and the rights of human nature in this land, and so become the founder of a grander civilization and well-being than ever before blessed mankind, no man in any age of history ever stood upon a sublimer eminence than Mr. Lincoln. If, under any inducements, from whence soever they may arise, whether from Kentucky, the bottomless pit, or the impotency of his own heart, he shall prove recreant to the great trust, and cower, and finally fail in his great office, God pity him! for what words would serve adequately to portray the ignominy of his doom.

Meantime, if one may believe the Washington newspaper reporters, there goes on at the White House a jovial round of feasting, flirting, and dancing. Hilarious stories are repeated and old jokes bandied from President to minister, and from minister to President, and through the wreaking fumes and smoke of cabinet councils, no official eye discerns "the fingers of the hand" that comes forth to write upon the wall.

It is by no means my purpose here to enter into any special exposition of the laws of war, but only to indicate a few general principles, and the nature of the powers conferred by these laws upon every form of government in a state of actual war.

According to the highest authorities on the laws of nations, these rights and powers are derived from one single principle—from the object of a just war, which is to *prevent or punish injury*; that is to say, to *obtain justice by force*. "In order, therefore, that a belligerent power may be entitled to the benefits of these rights and powers, the war that it wages must be *just*, and prosecuted for a just and legitimate end. Thence, the end being lawful, he who has

Sur. Doc. 8

the right to pursue the end, has the right to employ all the means necessary for its attainment, provided only that these means are not in themselves contrary to the laws of nature."

"That is to say, since the object of a just war is to suppress injustice and compel justice, we have a right to put in practice against our enemy every measure that will tend to weaken or disable him from maintaining his injustice. To this end, we are at liberty to choose any and all such methods as we may deem most efficacious. We have thence a right to deprive our enemy of the possession of every thing which may augment his strength, and enable him to make and carry on the war. And if that of which we have a right to deprive our enemy can help us, we have a right to convert it to our own use, or to destroy it, whenever that is necessary to the main object, which is to disable our enemy and destroy the cause of the war.

"And thence, ultimately, all other methods proving insufficient to conquer his resistance, we have a right to put our enemy to death. And this upon the simple ground, that if we were obliged to submit to his wrong rather than hurt him, good men would inevitably become the prey of the wicked."

"Under the name of enemy is comprehended not only the first author of the war, but likewise all those who join, abet, or aid in the support of his cause. So also, as between belligerent powers actually at war, all rights, claims, and liabilities affect the whole body of the community, together with every one of its members."

At this moment, slavery having organized its powers into a regular form of government, with all the functions of sovereignty, and embodied and sent into the field a military force, if not equal to that of a first-class European power, formidable enough to hold in check the great army of the nation, it is difficult to comprehend what real advantage can possibly arise to the national cause in ignoring the fact, and conducting the great struggle on the theory, which seems to prevail in the Washington Cabinet, that the rebellion is but a temporary insurrection and not a civil war. To the rebels themselves and their concealed allies in the loyal States there inure great benefits from this theory. For while slavery is left free to hurl its deadly missiles at the nation's heart, the axis of the Constitution is made to cover and protect the heart of the great treason. On the other hand if, in spite of all constitutional or legal quibbles, this is a *real war*—a civil war, then the rights and powers arising under the laws of war clearly belong to the National Government, are indeed as truly within the purport of the Constitution, as if conferred by express provision, and in the words of our wisest statesman, JOHN QUINCY ADAMS, "*abundantly sufficient to hurl the institution into the gulf*."

While slavery remained upon its own ground, obedient to the Constitution, a due regard for

Is it to restore the rebellious States to the Union, and slavery to the safeguards of the Constitution? To reestablish the fatal, malignant evil, not only in all its original power, but from the very nature of things to give it renewed strength and vigor! For they fall into a most pernicious error who imagine, that in some accidental or fortuitous way, slavery is to receive its death-wound in this war, even although it may end in its reestablishment. Let no such monstrous delusion be entertained. The ethical Providence of the world never returns upon its own footsteps. God wastes not a single one of His dispensations, repeats not one of man's neglected opportunities. Slavery must die, and die now, by the enlightened will of the nation, or the nation itself must die—must have its own heart eaten out by its poisonous, deadly virus.

But without reference to this inevitable and final consummation, what a solecism in human affairs does this war present, when viewed from its own ground, as war, in the light of its own logic! In the history of the world was it ever before proposed to "conquer a peace" by carefully maintaining the cause of the war? Was it ever before proposed "to weaken and disable" a powerful enemy by becoming the keeper, and enforcing the labor, of four millions of his subjects, for his sole benefit and support? To "overcome his resistance" by compelling a supply of the very means without which he would become utterly helpless? Suppose, for an instant, that these four millions of unwilling workers, from whose labor the enemy draws his daily sustenance, were in a night to have the color of their skin changed to the Caucasian hue, and these white men were to send a message to the commander-in-chief of our armies, that they were loyal men, lovers of liberty and the Union, and only awaited his permission to rise in their might and with one fell swoop destroy the cause of the war, and the malignant power of the enemy. And suppose that this commander-in-chief should refuse the proffered assistance, and insist that his constitutional duty was, to employ his great army in standing guard over these willing allies of the nation, and compelling them to serve and support its implacable enemy. What judgment would a skillful strategist, an able general, pass on such a plan for carrying on a great war? What would be the sentence of the nation and of mankind on such patriotism and statesmanship? And yet, is not this a sober statement of the facts, as they present themselves at this moment, with this difference only—that the men, who, the other day, with cries of joy, ran to embrace our army on the shores of Port Royal while its enemy fled, had not all cuticles of the supposed color?

By what unparalleled infatuation is it, that even yet, after all the overwhelming proofs of the execrable character of slavery, the understandings and hearts of our public men are enthralled and awed in its presence—bound ab-

jectly, as by a spell of Circe, to cringe and bow to its diabolical intimations. Under the pressure of the great exigency created by it, our rulers have not hesitated to set aside the most sacred rights guaranteed by the Constitution. In the name of national safety they have not hesitated to suspend the great writ of freedom, the *habeas corpus*, for two hundred years held sacred by all men speaking the English tongue, and to put manacles on the hands of American citizens. But to refuse any longer to stand guard over the rebel's slave, or, in the name of liberty, the rights of human nature and of national existence, to permit his shackles to be knocked off, is a thing only to be thought of with fear and trembling—to be excused by all sorts of phrases, and to be waited for, until it gets *itself* transacted in some way not to excite the latent treason of the half-suppressed rebels of the Border States, who, in the name of the old master, slavery, and with the old insolence, are still permitted to dictate the policy of the national Government, and give the word of command to the national armies. While the earnest convictions of the loyal people of the free States, who furnish these armies, are flouted as fanatical and not to be regarded, on the ground, apparently, that their patriotism and love of country are unconditional.

Is it not time, O men of America, rightful heirs of the great inheritance, that we should rouse ourselves to a sense of the true nature of the enemy we have to overcome, and of the deadly perils that environ us? Look, I beseech you, at the battle-field, upon which we are called to pour out the blood of our sons—for who of us has not there a dear son?—what a spectacle does it present! On the one hand stands the great army of slavery, openly, boldly, proudly, in the name of SLAVERY, warring for its triumph. On the other hand stands the army of freedom, covertly, abjectly, in the name of Union, waging "a vague and aimless fight," but still for SLAVERY!

"One guards through love its ghastly throne,
And one through fear to reverence grown."

How, think you, must such a battle end? Shall not slavery, that "dares and dares and dares," not rather triumph, than liberty that cowers and hides herself? Or, rather, shall not liberty disown the cowardly, craven souls, that dare not fight openly in her name, and yield them up to become, in very fact, the "mudsills" of that hideous throne they so reverence?

We may not flatter ourselves: on this plan of the battle we need not hope to conquer. The inestimable sacrifices we offer will be but vain oblations. To the Eternal Justice there is no sweet savor in them. O friends, we must not allow our children to be so driven "like dumb cattle" to the shambles. Let us demand an open fight on the ground of the great declaration: "ALL MEN ARE CREATED EQUAL, ENDOWED BY THEIR CREATOR WITH THE INALIEN-

ABLE RIGHTS OF LIFE, LIBERTY, AND THE PURSUIT OF HAPPINESS." Only in the strength of the great idea which it contains, have we the right even to ask to conquer. Only in its name dare we send forth our brave sons to die. Only with the consolation that they fell in the cause of liberty and the rights of humanity, shall we be able to assuage the griefs that must wring and break our hearts at their loss.

And you, *ELECT* of the people, who but now so eagerly persuaded them that *you* were the qualified of God, and fit to keep watch and ward at the doors of that CAPITOL, the chosen temple of liberty and the rights of humanity on this continent—is it not time that you should lift yourselves to the level of the great issue? In the ethical evolutions of our national history, a second great ERA presents itself—another "time to try men's souls" stands face to face with the present hour. The question is not now, as a high official personage seems to think, a merely technical, attorney one, of construing the letter of the Constitution, but of refounding the nation, and rehabilitating the national institutions and Government. Slavery by its own act has outlawed itself. The determination of its future status settles the whole matter in issue. To restore it now to the Union—to receive it again under the guarantees of the Constitution, would be nothing less than to refound the nation upon it—to make it the basis of our national institutions and the corner-stone of our future civilization and history. This calamitous consequence is of the very nature of things, and can by no means be evaded when once the ignominious restitution shall have been accomplished.

Beside, who, except those "that have eyes and see not," can fail to understand the providential intimation. These colored men of the South are the men whose blood should pay the price of their own redemption. If, in the present supreme hour, "there can be no salvation without the shedding of blood," they also should have the privilege of making the great sacrifice. It is the needed discipline and necessary preparation for the possession of freedom, that they who seek it should be willing to die for it. It is for you to give them the opportunity—to organize and guide them into the ways of civilized warfare, instead of leaving them to grow into an irrepressible mass of barbarism, by and by to burst into a wild and all-devouring conflagration. For the sake of our common humanity, it is your most sacred duty to take possession of their destiny, bound up as it is with that of the nation, and, by your wisdom and foresight, guide them on *their* road to freedom, and *ours* to national regeneration and glory.

Hitherto, we have been able to answer to the reproaches of our fellow-men, on account of slavery, that its existence ante-dated the existence of the nation, and that it was but an extraneous incident in its history, for which the founders were not responsible. But if now it shall be voluntarily taken back into the bosom

of the nation, we shall deserve, as we shall most surely receive, the open scorn of all mankind.

But why should we not, in this imminent crisis of our national existence, lay to heart the great lesson of the ages—that the eternal Providence, that shapes all human will and effort into history, even from a necessity of its own nature, cannot do otherwise than pursue, with an unappeasable divine hostility, all false pretences and lies—cannot do otherwise than blast, with a celestial, eternal hatred, the grandest human structures attempted on such foundations—sending false nations as easily as false men to judgment and eternal doom.

Many centuries ago, in another far-off land, a favored people stood, like us, in the very pitch of a great national crisis. The all-beneficent Providence had presented to them, likewise, the opportunity of refounding their nationality upon a basis of eternal truth—that "truth wheroby all men are made free." The *final* question was put to them with the same terrible emphasis that to-day is put to us: "Whom will ye have, *Barabbas* or *JESUS* called the Christ?" "Not He," they cried, "but *Barabbas*. Away with him to the cross; *Barabbas* is our man—give us *Barabbas*." And they got *Barabbas*, and with him such guidance as a thief and a liar had to give. We know the result. A nation for whom the *Deka Logoi* had been written by God's own finger—who had stood at the nether part of the mount and seen with their own eyes "that God answered with a voice;"—a people who had Abraham to their father, and a long line of divinely inspired men for teachers and guides; after eighteen hundred years of perpetual dispersion and dilapidation, from the hour of that fatal choice, are now, it is said, "prophetically crying 'old clo', old clo'," in all the cities of the world."

And to-day, even in this very hour, in all the thoroughfares of the people, upon the very threshold of that capitol where you, their *ELECT*, deliberate to become more renowned than any Roman Senate, or to sink into ignominious contempt and forgetfulness, stands the old Inexorable Questioner, and demands a right true answer to the *final, fateful* question, "Whom will *ye* serve, *slavery* or *freedom*?"

Doc. 11.

ARE SOUTHERN PRIVATEERSMEN PIRATES.

LETTER TO HON. IRA HARRIS, U. S. SENATOR.

BY CHARLES P. DALY, LL.D.

New York, December 21, 1861.

DEAR SIR: In compliance with your request at our conversation in Washington, I will put in writing the reasons why the Southern privateersmen should be regarded as prisoners of war, and not as pirates.

Privateering is a lawful mode of warfare, except among those nations who, by treaty, stip-

ulate that they will not, as between themselves, resort to it. Pirates are the general enemies of all mankind—*hostes humani generis*; but privateersmen act under and are subject to the authority of the nation or power by whom they are commissioned. They enter into certain securities that they will respect the rights of neutrals; their vessel is liable to seizure and condemnation if they act illegally, and they wage war only against the Power with which the authority that commissioned them is at war. A privateer does no more than is done by a man-of-war, namely, seize the vessel of the enemy, the prize or booty being distributed as a reward among the captors. The only difference between them is, that the vessel of war is the property of the Government, manned and maintained by it, whilst the other is a private enterprise, undertaken for the same general purpose, and giving guarantees that it will be conducted according to the established usages of war. In short, one is a public, the other a private vessel-of-war, neither of which acquires any right to a prize taken, until the lawfulness of the capture is declared by a competent court, under whose direction the thing taken is condemned and sold, and the proceeds distributed in such proportion as the law considers equitable. The Government of the United States declined to become a party to the international treaty of Paris, in 1856; and therefore the whole people of the United States—as well those who are now maintaining the Government as those who are in rebellion against it—have never agreed to dispense with privateering. It is not our interest to do so. We are a maritime people, with a large extent of sea-coast, which, whilst it leaves us greatly exposed to attacks by sea, at the same time affords facilities that render privateering, to us, one of our most effective arms in warfare. This was the case in our contest with England in 1812; and should a war now grow out of the affair of the Trent, privateering would be indispensable, to enable us to cope with so formidable a Power as that of Great Britain.

A great deal has been written against this mode of warfare, but nations, like individuals, act upon the instinct of self-preservation, and avail themselves of the natural defences which grow out of their situation; and a system, therefore, which enables us to keep but a small navy in peace and improvise a large one in war, will never be relinquished, because nations who have every thing to lose, or little to gain, by its continuance, desire that it should be generally abolished.

Being then a legitimate mode of making war, what is the difference between the Southern soldier who takes up arms against the Government of the United States on the land, and the Southern privateersman who does the same upon the water? Practically there is none, and if one should be held and exchanged as a prisoner of war, the other is equally entitled to the privilege. The court before which the crew of

the *Jefferson Davis* were convicted as pirates, held that they could not be regarded as privateers, upon the ground that they were not acting under the authority of an independent State, with the recognized rights of sovereignty. This objection applies equally to the man-of-war-men in the Southern fleets, and to every soldier in the Southern army, none of whom are acting under the authority of a recognized government. The Constitution defines treason to be the levying of war against the United States, and the giving of aid and comfort to its enemies. All of them are engaged in doing this. The guilt of the one is precisely the same as that of the other. There is not and cannot be, in this respect, any difference between them. Why then is the mariner distinguished from the soldier, as pursuing the infamous calling of a pirate? If, as the courts have held, he cannot be considered as a privateersman from the want of the authority of a recognized government, does it necessarily follow that he is or must be a pirate? The pirate is the Ishmaelite of the ocean, submitting to no law and recognizing no authority, human or divine; an outlaw, setting all the restraints of society at defiance, whose object, unrelieved by any other motive, is plunder, and who in the attainment of that object hesitates at no extent of wickedness. Is this the position of the Southern privateersman? It was shown in the case of the *Jefferson Davis*, that all the formalities which governments require in the fitting out of privateers had been scrupulously complied with, a fact which indicates that the Southern privateersman holds a very different position from that of the marine freebooter, inasmuch as he is acting under the authority and is subject to the control of what he at least regards as a government. His true position is that of a rebel upon the ocean. As a mariner it is the sphere of his activity, and its pursuits are those on which he depends for a livelihood; and though it be conceded that he is attracted to the kind of service upon which he enters by the hope of large pecuniary profits, is he not as well as the soldier entitled to the consideration that he may also be influenced by a mixed motive? It is the motive that settles whether an act is criminal or not. It is by that test that we determine, in the taking of property by force, whether the act was a robbery or a trespass. Judging the Southern mariner then by this standard, can we say that he is not swayed by the same passions, influenced by the same excitement, and imbued with the same political opinions, that have led such a multitude of men to take part in this rebellion? And if he is, does not that distinguish him from the common criminal?

The act which he has committed—that of rising in arms to overthrow the Government, and to sever one part of its territory from the rest—is more injurious to the nation than any damage that can be inflicted by the predatory acts of the pirate. It is the gravest and weigh-

tiest offence that a citizen can commit; but mankind have always distinguished between political offences and meaner and more mercenary crimes, a distinction which Coke, the profoundest of English jurists, had in view when he says that "those things which are of the highest criminality may be of the least disgrace." Of this political offence the Southern privateersman is guilty, but he is not a pirate, and the inconsistency of attempting to treat him as such is forcibly illustrated by a case in point from our own annals. On the breaking out of the American revolution a number of privateers were equipped by the colonists, first under the sanction of the State of Massachusetts, and afterward by the authority of Congress; and on the 28th of February, 1777, an act was passed by the British parliament, under the provisions of which any colonist, taking part in privateering, was declared to be a pirate; and if taken, he was to be committed by any magistrate to the common jail upon the charge of piracy, and there detained until the king or privy council should determine whether it was expedient or not to try him for that offence. This act, which was framed by Lord Thurlow, a man of an unscrupulous, arbitrary, and despotic character, was strenuously opposed upon its passage by Fox, Dunning, Barre, and all the liberal members of parliament, and was denounced by Burke in the severest terms in his celebrated letter to the sheriffs of Bristol: "The persons," he said, "who make a naval war upon us in consequence of the present troubles, may be rebels; but to call or treat them as pirates, is to confound the natural distinction of things, and the nature of crimes. * * The general sense of mankind tells me that those offences which may possibly arise from mistaken virtue, are not in the class of infamous actions;" and he further remarked that if Lord Balmanno, in the Scotch rebellion, had driven off the cattle of twenty clans, he would have thought it a low juggle, unworthy of the English judicature, to have tried him for felony as a stealer of cows. The act was successively renewed every year until near the close of the war; and during that period some two hundred and thirty persons were detained under it in the English jails. But as a preventive measure it accomplished nothing. Privateering continued unabated, and at last the persons so confined were exchanged under an act introduced through the influence of General Burgoyne.

As all who have participated in the rebellion are alike guilty of the same political offence, and as there is in point of fact no difference between them, the question then arises—is every seaman or soldier taken in arms against the Government to be hung as a traitor or pirate?

If the matter is to be left to the courts, conviction and the sentence of death must follow in every instance. In the case of the *Jefferson Davis*, the court said, that during civil war, in

which hostilities are prosecuted on an extended scale, persons in arms against the established government, captured by its naval and military forces, are often treated, not as traitors or pirates, but according to the humane usages of war. They are detained as prisoners until exchanged or discharged on parole, or if surrendered to the civil authorities and convicted, they are respited or pardoned; but the court said that this was a matter with which courts and juries had nothing to do. That it was purely a question of governmental policy, depending upon the decision of the executive or legislative departments of the Government, and not upon its judicial organs.

If this view be correct, the disposition of this matter rests exclusively with the Government, and its decision must be pronounced sooner or later, as every day increases the complication and difficulty growing out of the present state of things. Are the courts to go on? Is the Government prepared to say that every man in arms against the United States, upon the land or upon the water, is to be tried and executed as a traitor or pirate?—either upon the ground that it is right, or upon the supposition that it will prove an effective means of suppressing this rebellion? That policy was tried by the Duke of Alva, in the revolt of the seven provinces of the Netherlands, and eighteen thousand persons, by his orders, suffered death upon the scaffold; the result being a more desperate resistance, the sympathy of surrounding nations, and the ultimate independence of the Dutch.

Neither the Constitution of the United States, nor the act against piracy, was framed in view of any such state of things as that which now exists. The civil war now prevailing is, in its magnitude, beyond any thing previously known in history. The revolting States hold possession of a large portion of the territory of the Union, embracing a great extent of sea-coast, and including some of our principal cities and harbors. They hold forcible possession of it by means of an army estimated at four hundred thousand men, and are practically exercising over it all the power and authority of government. They claim to have separated from the United States, to have founded a government of their own, and are in armed resistance to maintain it. To reduce them to obedience and to recover that of which they hold forcible possession, it has been necessary for us to resort to military means of more than corresponding magnitude, until the combatants on both sides have reached to the prodigious number of a million of men. The principal nations of Europe, recognizing this state of things, have conceded to the rebellious States the rights of belligerents, a course of which we have no reason to complain, as we did precisely the same thing toward the States of South America in their revolt against the government of Spain. It is natural that we should have hesitated to consider the Southern States in the light of bel-

gnerents before the rebellion had expanded to its present proportions; but now we cannot, if we would, shut our eyes to the fact, that war, and war upon a more extensive scale than usually takes place between contending nations, actually exists. It is now, and it will continue to be, carried on upon both sides, by a resort to all the means and appliances known to modern warfare; and unless we are to fall back into the barbarism of the middle ages, we must observe in its conduct those humane usages in the treatment and exchange of prisoners, which modern civilization has shown to be equally the dictates of humanity and of policy.

For every seaman that we have arrested as a pirate, they have incarcerated a northern soldier, to be dealt with exactly as we do by the privateersman. We have convicted as pirates four of the crew of the *Jefferson Davis*, and there are others in New York awaiting trial. Are these men to be executed? If they are, then by that act we deliberately consign to death a number of our own officers and soldiers, most of whom owe their captivity and present peril to the heroic courage with which they stood by their colors on a day of disastrous flight and panic.

If such a course is to be pursued, it will not be very encouraging for the soldier now in arms for the maintenance of the Union, to know that what may be asked of him is to fight upon one side, with the chance of being hanged upon the other; and in face of the enemy, with his line broken, instead of rallying again, he may, in view of the possibility of a halter, consider it prudent to retire before the double danger.

If, on the other hand, we convict these men as criminals and pause there, then the crime of which we have declared them to be guilty is not followed by its necessary consequence, the proper punishment. There is no terror inspired and no check interposed by such a procedure; for the plainest man in the South knows that the motive which restrains us from going further is the fact, that the execution of these men as pirates seals the doom of a corresponding number of our own people—that the account is exactly balanced—that, with ample means of retaliation, they have the power to prevent; or, if mutual blood is to be shed in this way, *we* and not they will have commenced it. By such a course nothing is effected, except to keep our own officers and soldiers in the cells of Southern prisons, subject to that mental torture produced by the uncertainty of their fate, which, with the majority of men, is more difficult to bear than the certainty of death itself,—and oblige them to endure, in the ill-provided and badly conducted prisons in which they are confined, sufferings, the sickening details of which are constantly before us in their published letters to their friends.

"I little thought," writes the gallant Col. Cogswell, of the regular service, "when I faced the storm of bullets at Edwards' Ferry, and escaped a soldier's death upon the field,

that it was only to be left by my country to die upon the gallows." And the nature of their sufferings will be understood when it is told that the noble-hearted and self-sacrificing Col. Corcoran was handcuffed and placed in a solitary cell, with a chain attached to the floor, until the mental excitement produced by this ignominious treatment, combining with a susceptible constitution and the infectious nature of the locality, brought on an attack of typhoid fever. Shall this state of things continue? Let us take counsel of our common sense. These men are treated as criminals, because, while we give to the Southern soldier the rights of war, (for numerous exchanges of soldiers have taken place,) we convict the Southern mariner of a crime punishable with death. Is there any reason, even upon the grounds of policy, for making this distinction? We have, by the blockade of the whole Southern coast, cut the privateersman off from bringing his prize into the ports of the South for adjudication; and the ports of all neutral nations being closed against him for such a purpose, he is deprived of the means of making lawful prizes, and must eventually convert his vessel into a ship-of-war, or degenerate into a pirate, by unlawful acts which will make him amenable to the tribunal of every civilized nation. The comparative injury that may be done to our commerce by the few privateers which it will now be in the power of the rebellious States to maintain upon the ocean is as nothing compared to the disastrous and lasting consequences to the whole nation, to its industry, its commerce, and its future, that would grow out of making this war one of retaliatory vengeance. We have the fruitful experience of history to admonish us that in such acts are sown the seeds of the dissolution of nations, and especially of republics. By according to the rebellious States the rights of belligerents, at least to the extent of exchanging prisoners, whether privateersmen, man-of-war's men, or soldiers—we do not concede to them the rights of sovereignty. There is a well-defined distinction between the two, recognized by the United States Court in the case of *Rose vs. Himmley*, 4 Cranch, 241. One may exist without the other; and by exchanging prisoners, therefore, we concede nothing and admit nothing, except what everybody knows, that actual war exists, and that, as a Christian people, we mean to carry it on according to the usages of civilized nations.

The existing embarrassment is easily overcome. All further prosecutions can be stopped, and, in respect to the privateersmen who have been convicted, the President, acting upon the suggestion of the Court that tried them, can, by the exercise of the pardoning power, relieve them from their position as criminals, and place them in that of prisoners of war.

In conclusion, we are not to forget that we are carrying on this war for the restoration of the Union, and that every act of aggression not

essential to military success will but separate more widely the two sections from each other, and increase the difficulty of cementing us again in one nationality. We are to remember that the people of the South, whose infirmity it has been to have very extravagant ideas of their own superiority, and whose contempt of the people of the North has been in proportion to their want of information respecting them—have been hurried into their present position by the professional politicians and large landed proprietors, to whom they have hitherto been accustomed to confide the management of their public affairs; that, though prone to commit outrageous acts when under the influence of excitement, they are upon the whole a kindly and affectionate people, and have, when not blinded by passion, a very keen perception of their own interests; that there are, throughout the South, thousands of loyal hearts paralyzed by the excitement around them, who still cling to the flag of their fathers and await the delivering stroke of our armies. Relying on our superior naval and military strength, and the settled determination of our people that this nation shall not be dismembered, we may, as the Swiss Cantons recently did in a similar crisis, put down this rebellion. That great duty imposes upon us all the exigencies of war, and they are greater and heavier than those which the Swiss government had to contend with. We have to carry on the war against a people who have a large and well-appointed army, under skilful generals, acting on the defensive, in a country abounding with strategic points of defence. War, when conducted in accordance with the strictest usages of humanity, is, as all who have shared in the recent battles know, a sufficiently bloody business; and if we are to add to its horrors by hanging up all who fall into our hands as traitors or pirates, we leave the South no alternative but resistance to the last extremity; and, should we ultimately triumph, we would have entailed upon us, as the consequences of such a policy, the bitter inheritance of maintaining a Government by force, over a people conquered, but not subdued. Very truly yours,

CHARLES P. DALY.

Doc. 12.

BATTLE OF MANASSAS, VA.,

FOUGHT JULY 21, 1861.

GENERAL BEAUREGARD'S REPORT.*

HEAD-QUARTERS FIRST CORPS ARMY OF THE POTOMAC,
MANASSAS, August 26, 1861. }

GENERAL: The War Department having been informed by me, by telegraph on the 17th of July, of the movement of General McDowell, General Johnston was immediately ordered to form a junction of his army corps with mine, should the movement, in his judgment, be

deemed advisable. General Holmes was also directed to push forward with two regiments, a battery and one company of cavalry.

In view of these propositions, approaching reinforcements modifying my plan of operations so far as to determine on attacking the enemy at Centreville as soon as I should hear of the near approach of the two reinforcing columns, I sent one of my aids, Colonel Chrischold, of South Carolina, to meet and communicate my plans to General Johnston, and my wish that one portion of his force should march by the way of Aldie, and take the enemy on his right flank and in the rear at Centreville. Difficulties, however, of an insuperable character in connection with means of transportation, and the marching condition of his troops, made this impracticable, and it was determined our forces should be united within the lines of Bull Run, and thence advance to the attack of the enemy.

General Johnston arrived here about noon on the 20th July, and being my senior in rank, he necessarily assumed command of all the force of the Confederate States, then concentrating at this point. Made acquainted with my plan of operations and dispositions to meet the enemy, he gave them his entire approval, and generously directed their execution under my command.

In consequence of the untoward detention, however, of some five thousand (5,000) of General Johnston's army corps, resulting from the inadequate and imperfect means of transportation for so many troops, at the disposition of the Manassas Gap Railroad, it became necessary, on the morning of the 21st, before daylight, to modify the plan accepted to suit the contingency of an immediate attack on our lines by the main force of the enemy, then plainly at hand.

The enemy's forces, reported by their best-informed journals to be fifty-five thousand strong, I had learned from reliable sources, on the night of the 20th, were being concentrated in and around Centreville, and along the Warrenton turnpike road, to Bull Run, near which our respective pickets were in immediate proximity. This fact, with the conviction that, after his signal discomfiture on the 18th of July, before Blackburn's Ford—the centre of my lines—he would not renew the attack in that quarter, induced me at once to look for an attempt on my left flank, resting on the Stone Bridge, which was but weakly guarded by men, as well as but slightly provided with artificial defensive appliances and artillery.

In view of these palpable military conditions, by half-past four A. M., on the 21st July, I had prepared and despatched orders, directing the whole of the Confederate forces within the lines of Bull Run, including the brigades, and regiments of General Johnston, which had arrived at that time, to be held in readiness to march at a moment's notice.

At that hour the following was the disposition of our forces:—

Ewell's brigade, constituted as on the 18th of

* See volume 2, Documents, pages 1, 111, 366 and 368.

July, remained in position at Union Mills Ford, his left extending along Bull Run, in the direction of McLean's Ford, and supported by Holmes' brigade, Second Tennessee and First Arkansas regiments a short distance to the rear—that is, at and near Camp Wigfall.

D. R. Jones' brigade, from Ewell's left, in front of McLean's Ford, and along the stream to Longstreet's position. It was unchanged in organization, and was supported by Early's brigade, also unchanged, placed behind a thicket of young pines, a short distance in the rear of McLean's Ford.

Longstreet's brigade held its former ground at Blackburn's Ford, from Jones' left to Bonham's right, at Mitchell's Ford, and was supported by Jackson's brigade, consisting of Colonels James L. Preston's Fourth, Harper's Fifth, Allen's Second, the Twenty-seventh, Lieutenant-Colonel Echoll's, and the Thirty-third, Cumming's Virginia regiments, two thousand six hundred and eleven strong, which were posted behind the skirting of pines to the rear of Blackburn's and Mitchell's Fords, and in the rear of this support was also Barksdale's Thirteenth regiment Mississippi Volunteers, which had lately arrived from Lynchburg.

Along the edge of a pine thicket, in rear of, and equi-distant from McLean's and Blackburn's Fords, ready to support either position, I had also placed all of Bee's and Bartow's brigades that had arrived—namely, two companies of the Eleventh Mississippi, Lieutenant-Colonel Liddell; the Second Mississippi, Colonel Falkner; and the Alabama, with the Seventh and Eighth Georgia regiments, (Colonel Gartrell and Lieutenant-Colonel Gardner,) in all two thousand seven hundred and thirty-two bayonets.

Bonham's brigade, as before, held Mitchell's Ford, its right near Longstreet's left, its left extending in the direction of Cocke's right. It was organized as at the end of the 18th of July, with Jackson's brigade, as before said, as a support.

Cocke's brigade, increased by seven companies of the Eighth, Hunton's; three companies of the Forty-ninth, Smith's Virginia regiments; two company of cavalry, and a battery under Rogers of four six-pounders, occupied the line in front and rear of Bull Run, extending from the direction of Bonham's left, and guarding Island, Ball's, and Lewis' Fords, to the right of Evans' demi-brigade, near the Stone Bridge, also under General Cocke's command.

The latter held the Stone Bridge, and its left covered a farm ford about one mile above the bridge.

Stuart's cavalry, some three hundred men of the army of the Shenandoah, guarded the level ground extending in rear from Bonham's left to Cocke's right.

Two companies of Radford's cavalry were held in reserve a short distance in rear of Mitchell's Ford, his left extending in the direction of Stuart's right.

Colonel Pendleton's reserve battery of eight pieces was temporarily placed in rear of Bonham's extreme left.

Major Walton's reserve battery of five guns was in position on McLean's farm, in a piece of woods in rear of Bee's right.

Hampton's legion of six companies of infantry, six hundred strong, having arrived that morning by the cars from Richmond, was subsequently, as soon as it arrived, ordered forward to a position in immediate vicinity of the Lewis House, as a support for any troops engaged in that quarter.

The effective force of all arms of the army of the Potomac on that eventful morning, including the garrison of Camp Pickens, did not exceed twenty-one thousand eight hundred and thirty-three and twenty-nine guns.

The army of the Shenandoah, ready for action on the field, may be set at six thousand men and twenty guns. [That is, when the battle begun, Smith's brigade and Fisher's North Carolina came up later, and made a total of army of Shenandoah engaged of all arms, eight thousand three hundred and thirty-four. Hill's Virginia regiment, five hundred and fifty, also arrived, but was posted as reserve to right flank.]

The brigade of General Holmes mustered about one thousand two hundred and sixty-five bayonets, six guns, and a company of cavalry about ninety strong.

Informed at half-past five A. M., by Colonel Evans, that the enemy had deployed some twelve hundred men, [these were what Colonel Evans saw of General Schenck's brigade of General Tyler's division and two other heavy brigades, in all over nine thousand men and thirteen pieces of artillery—Carlisle's and Ayres' batteries. That is, nine hundred men and two six-pounders, confronted by nine thousand men and thirteen pieces of artillery, mostly rifled,] with several pieces of artillery in his immediate front. I at once ordered him, as also General Cocke, if attacked, to maintain their position to the last extremity.

In my opinion the most effective method of relieving that flank was by a rapid, determined attack, with my right wing and centre on the enemy's flank and rear at Centreville, with due precautions against the advance of his reserves from the direction of Washington. By such a movement I confidently expected to achieve a complete victory for my country by twelve o'clock M.

These new dispositions were submitted to General Johnston, who fully approved them, and the orders for their immediate execution were at once issued.

Brigadier-General Ewell was directed to begin the movement, to be followed and supported successively by Generals D. R. Jones, Longstreet, and Bonham respectively, supported by their several appointed reserves.

The cavalry, under Stuart and Radford, were

to be held in hand, subject to future orders and ready for employment as might be required by the exigencies of the battle.

About half-past eight o'clock A. M., General Johnston and myself transferred our head-quarters to a central position about half a mile in the rear of Mitchell's Ford, whence we might watch the course of events.

Previously, as early as half-past five, the Federalists in front of Evans' position, Stone Bridge, had opened with a large thirty-pounder, Parrott rifle gun, and thirty minutes later with a moderate, apparently tentative, fire from a battery of rifle pieces, directed first in front at Evans' and then in the direction of Cocke's position, but without drawing a return fire and discovery of our positions, chiefly because in that quarter we had nothing but eight six-pounder pieces, which could not reach the distant enemy.

As the Federalists had advanced with an extended line of skirmishers in front of Evans, that officer promptly threw forward the two flank companies of the Fourth South Carolina regiment, and one company of Wheat's Louisiana battalion, deployed as skirmishers, to cover his small front. An occasional scattering fire resulted, and thus the two armies in that quarter remained for more than an hour, while the main body of the enemy was marching its dubious way through the "big forest" to take our forces in flank and rear.

By half-past eight A. M., Colonel Evans having become satisfied of the counterfeit character of the movement on his front, and persuaded of an attempt to turn his left flank, decided to change his position to meet the enemy, and for this purpose immediately put in motion to his left and rear six companies of Sloan's Fourth South Carolina regiment, Wheat's Louisiana battalions, five companies, and two six-pounders of Latham's battery, leaving four companies of Sloan's regiment under cover as the sole immediate defence of the Stone Bridge, but giving information to General Cocke of his change of position and the reasons that impelled it.

Following a road leading by the Old Pittsylvania (Carter) mansion, Colonel Evans formed in line of battle some four hundred yards in rear—as he advanced—of that house, his guns to the front and in position, properly supported, to its immediate right. Finding, however, that the enemy did not appear on that road, which was a branch of one running by Sudley's Springs Ford to Brentsville and Dumfries, he turned abruptly to the left, and marching across the fields for three-quarters of a mile, about half-past nine A. M., took a position in line of battle; his left, Sloan's companies, resting on the main Brentsville road in a shallow ravine, the Louisiana battalion to the right, in advance some two hundred yards, a rectangular course of wood separating them—one piece of his artillery planted on an eminence some seven hundred yards to the rear of Wheat's battalion, and the other on a ridge near and in rear of Sloan's position, commanding a reach of the road just in

front of the line of battle. In this order he awaited the coming of the masses of the enemy now drawing near.

In the mean time about seven o'clock A. M., Jackson's brigade, with Imboden's, and five pieces of Walton's battery, had been sent to take up a position along Bull Run to guard the interval between Cocke's right and Bonham's left, with orders to support either in case of need—the character and topographical features of the ground having been shown to General Jackson by Captain D. R. Harris, of the Engineers, of his army corps.

So much of Bee's and Bartow's brigades, now united, as had arrived—some two thousand eight hundred muskets—had also been sent forward to the support of the position of the Stone Bridge.

The enemy beginning his detour from the turnpike, at a point nearly half way between Stone Bridge and Centreville, had pursued a tortuous, narrow trace of a rarely used road, through a dense wood, the greater part of his way, until near the Sudley road. A division under Colonel Hunter, of the Federal regular army, of two strong brigades, was in the advance, followed immediately by another division under Colonel Heintzelman, of three brigades and seven companies of regular cavalry and twenty-four pieces of artillery—eighteen of which were rifle guns. This column, as it crossed Bull Run, numbered over sixteen thousand men of all arms, by their own accounts.

Burnside's brigade, which here, as at Fairfax Court House, led the advance, at about forty-five minutes past nine A. M., debouched from a wood in sight of Evans' position, some five hundred yards distant from Wheat's battalion.

He immediately threw forward his skirmishers in force, and they became engaged with Wheat's command and the six-pounder gun under Lieutenant Leftwich.

The Federalists at once advanced, as they report officially, the Second Rhode Island regiment volunteers, with its vaunted battery of six thirteen-pounder rifle guns. Sloan's companies were then brought into action, having been pushed forward through the woods. The enemy, soon galled and staggered by the fire, and pressed by the determined valor with which Wheat handled his battery, until he was desperately wounded, hastened up three other regiments of the brigade and two Dahlgren howitzers, making in all quite three thousand five hundred bayonets and eight pieces of artillery, opposed to less than eight hundred men and two six-pounder guns.

Despite these odds, this intrepid command of but eleven weak companies maintained its front to the enemy for quite an hour, and until General Bee came to their aid with his command. The heroic Bee, with a soldier's eye and recognition of the situation, had previously disposed his command with skill—Imboden's battery having been admirably placed between the two brigades, under shelter behind the un-

dulations of a hill about one hundred and fifty yards north of the now famous Henry House, and very near where he subsequently fell mortally wounded, to the great misfortune of his country, but after deeds of deliberate and ever-memorable courage.

Meanwhile, the enemy had pushed forward a battalion of eight companies of regular infantry, and one of their best batteries of six pieces, (four rifled,) supported by four companies of marines, to increase the desperate odds against which Evans and his men had maintained their stand with an almost matchless tenacity.

General Bee, now finding Evans sorely pressed under the crushing weight of the masses of the enemy, at the call of Colonel Evans threw forward his whole force to his aid across a small stream—Young's Branch and Valley—and engaged the Federalists with impetuosity; Imboden's battery at the time playing from his well-chosen position with brilliant effect with spherical-case, the enemy having first opened on him from a rifle battery, probably Griffin's, with elongated cylindrical shells, which flew a few feet over the heads of our men, and exploded in the crest of the hill immediately in rear.

As Bee advanced under a severe fire he placed the Seventh and Eighth Georgia regiments, under the chivalrous Bartow, at about eleven A. M., in a wood of second-growth pines, to the right and front of and nearly perpendicular to Evans' line of battle; the Fourth Alabama to the left of them, along a fence connecting the position of the Georgia regiments with the rectangular copse in which Sloan's South Carolina companies were engaged, and into which he also threw the Second Mississippi. A fierce and destructive conflict now ensued; the fire was withering on both sides, while the enemy swept our short, thin lines with their numerous artillery, which, according to their official reports, at this time consisted of at least ten rifle guns and four howitzers. For an hour did these stout-hearted men of the blended commands of Bee, Evans, and Bartow breast an unintermitting battle storm, animated, surely, by something more than the ordinary courage of even the bravest men under fire; it must have been indeed the inspiration of the cause, and consciousness of the great stake at issue which thus nerved and animated one and all to stand unawed and unshrinking in such extremity.

Two Federal brigades of Heintzelman's division were now brought into action, led by Rickett's superb light battery of six ten-pounder rifle guns, which, posted on an eminence to the right of the Sudley road, opened fire on Imboden's battery—about this time increased by two rifle pieces of the Washington Artillery under Lieut. Richardson, and already the mark of two batteries which divided their fire with Imboden, and two guns, under Lieutenants Davidson and Leftwich, of Latham's battery, posted as before mentioned.

At this time, confronting the enemy, we had still but Evans' eleven companies and two guns—Bee's and Bartow's four regiments, the two companies Eleventh Mississippi, under Lieutenant-Colonel Liddell, and the six pieces under Imboden and Richardson. The enemy had two divisions of four strong brigades, including seventeen companies of regular infantry, cavalry, and artillery, four companies of marines, and twenty pieces of artillery. (See official reports of Colonels Heintzelman, Porter, &c.) Against this odds, scarcely credible, our advance position was still for a while maintained, and the enemy's ranks constantly broken and shattered under the scorching fire of our men; but fresh regiments of the Federalists came upon the field—Sherman's and Keyes' brigades of Tyler's division—as is stated in their reports, numbering over six thousand bayonets, which had found a passage across the run about eight hundred yards above the Stone Bridge, threatened our right.

Heavy losses had now been sustained on our side, both in numbers and in the personal worth of the slain. The Georgia regiment had suffered heavily, being exposed, as it took and maintained its position, to a fire from the enemy, already posted within a hundred yards of their front and right, sheltered by fences and other cover. It was at this time that Lieutenant-Colonel Gardner was severely wounded, as also several other valuable officers; the adjutant of the regiment, Lieutenant Branch, was killed, and the horse of the regretted Bartow was shot under him. The Fourth Alabama also suffered severely from the deadly fire of the thousands of muskets which they so dauntlessly fronted under the immediate leadership of Bee himself. Its brave Colonel, E. J. Jones, was dangerously wounded, and many gallant officers fell, slain or *hors de combat*.

Now, however, with the surging mass of over fourteen thousand Federal infantry pressing on their front, and under the incessant fire of at least twenty pieces of artillery, with the fresh brigades of Sherman and Keyes approaching—the latter already in musket range—our lines gave back, but under orders from General Bee.

The enemy, maintaining the fire, pressed their swelling masses onward as our shattered battalions retired; the slaughter for the moment was deplorable, and has filled many a Southern home with life-long sorrow.

Under this inexorable stress the retreat continued until arrested by the energy and resolution of General Bee, supported by Bartow and Evans, just in the rear of the Robinson House, and Hampton's Legion, which had been already advanced, and was in position near it.

Imboden's battery, which had been handled with marked skill, but whose men were almost exhausted, and the two pieces of Walton's battery, under Lieut. Richardson, being threatened by the enemy's infantry on the left and front, were also obliged to fall back. Imboden,

leaving a disabled piece on the ground, retired until he met Jackson's brigade, while Richardson joined the main body of his battery near the Lewis House.

As our infantry retired from the extreme front the two six-pounders of Latham's battery, before mentioned, fell back with excellent judgment to suitable positions in the rear, when an effective fire was maintained upon the still advancing lines of the Federalists with damaging effect until their ammunition was nearly exhausted, when they, too, were withdrawn in the near presence of the enemy, and rejoined their captain.

From the point previously indicated, where General Johnston and myself had established our head-quarters, we heard the continuous roll of musketry and the sustained din of the artillery, which announced the serious outbursts of the battle on our left flank, and we anxiously, but confidently, awaited similar sounds of conflict from our front at Centreville, resulting from the prescribed attack in that quarter by our right wing.

At half-past ten in the morning, however, this expectation was dissipated, from Brigadier-General Ewell informing me, to my profound disappointment, that my orders for his advance had miscarried, but that, in consequence of a communication from General D. R. Jones, he had just thrown his brigade across the stream at Union Mills. But, in my judgment, it was now too late for the effective execution of the contemplated movement, which must have required quite three hours for the troops to get into position for the attack; therefore, it became immediately necessary to depend on new combinations and other dispositions suited to the now pressing exigency. The movement of the right and centre, already begun by Jones and Longstreet, was at once countermanded with the sanction of General Johnston, and we arranged to meet the enemy on the field upon which he had chosen to give us battle. Under these circumstances our reserves not already in movement were immediately ordered up to support our left flank, namely—Holmes' two regiments and battery of artillery, under Captain Lindsey Walker, of six guns, and Early's brigade. Two regiments from Bonham's brigade, with Kemper's four six-pounders, were also called for, and, with the sanction of General Johnston, Generals Ewell, Jones, (D. R.), Longstreet, and Bonham, were directed to make a demonstration to their several fronts to retain and engross the enemy's reserves and forces on their flank, and at and around Centreville. Previously, our respective chiefs of staff—Major Rhett and Colonel Jordan—had been left at my head-quarters to hasten up and give directions to any troops that might arrive at Manassas.

These orders having been duly despatched by staff officers, at 10.30 A. M., General Johnston and myself set out for the immediate field of action, which we reached in the rear of the

Robinson and Widow Henry's houses, at about 12 M. and just as the commands of Bee, Bartow, and Evans had taken shelter in a wooded ravine behind the former, stoutly held at the time by Hampton with his legion, which had made a stand there after having previously been as far forward as the turnpike, where Lieutenant-Colonel Johnson, an officer of brilliant promise, was killed, and other severe losses were sustained.

Before our arrival upon the scene, General Jackson had moved forward with his brigade of five Virginia regiments from his position in reserve, and had judiciously taken post below the brim of the plateau, nearly east of the Henry house, and to the left of the ravine and woods occupied by the mingled remnants of Bee's, Bartow's, and Evans' commands, with Imboden's battery, and two of Standard's pieces placed so as to play upon the oncoming enemy, supported in the immediate rear by Colonel J. L. Preston's and Lieutenant-Colonel Echoll's regiments, on the right by Harper's and on the left by Allen's and Cumming's regiments.

As soon as General Johnston and myself reached the field, we were occupied with the reorganization of the heroic troops, whose previous stand, with scarce a parallel, has nothing more valiant in all the pages of history, and whose losses fitly tell why, at length, their lines had lost their cohesion. It was now that General Johnston impressively and gallantly charged to the front with the colors of the Fourth Alabama regiment by his side, all the field-officers of the regiment having been previously disabled. Shortly afterward I placed S. R. Gist, Adjutant and Inspector-General of South Carolina, a volunteer aide-de-camp of General Bee, in command of this regiment, and who led it again to the front as became its previous behavior, and remained with it for the rest of the day.

As soon as we had thus rallied and disposed our forces, I urged General Johnston to leave the immediate conduct of the field to me, while he, repairing to Portico—the Lewis house—should urge reinforcements forward. At first he was unwilling, but reminded that one of us must do so, and that properly it was his place, he reluctantly, but fortunately, complied; fortunately, because from that position, by his energy and sagacity, his keen perception and anticipation of my needs, he so directed the reserves as to ensure the success of the day.

As General Johnston departed for Portico, Colonel Bartow reported to me with the remains of the Seventh Georgia Volunteers, (Gartrell's,) which I ordered him to post on the left of Jackson's line, in the edge of the belt of pines bordering the southeastern rim of the plateau, on which the battle was now to rage so long and so fiercely.

Colonel Wm. Smith's battalion of the Forty-ninth Virginia Volunteers having also come up by my orders, I placed it on the left of Gartrell's as my extreme left at the time. Repairing then to the right, I placed Hampton's Legion, which had suffered greatly, on that flank somewhat to

the rear of Harper's regiment, and also the seven companies of the Eighth (Hunton's) Virginia regiment, which, detached from Cocke's brigade by my orders and those of General Johnston, had opportunely reached the ground. These, with Harper's regiment, constituted a reserve, to protect our right flank from an advance of the enemy from the quarter of the stone bridge, and served as a support for the line of battle, which was formed on the right by Bee's and Evans' commands, in the centre by four regiments of Jackson's brigade, with Imboden's four six-pounders, Walton's five guns, (two rifled,) two guns (one piece rifled) of Stanard's and two six-pounders of Rogers' batteries, the latter under Lieut. Heaton; and on the left by Gartrell's reduced ranks and Col. Smith's battalion, subsequently reinforced Faulkner's Second Mississippi regiment, and by another regiment of the Army of the Shenandoah, just arrived upon the field, the Sixth (Fisher's) North Carolina. Confronting the enemy at this time my force numbered, at most, not more than six thousand five hundred infantry and artilleryists, with but thirteen pieces of artillery, and two companies (Carter's and Hoge's) of Stuart's cavalry.

The enemy's force now bearing hotly and confidently down on our position, regiment after regiment of the best equipped men that ever took the field—according to their own official history of the day—was formed of Colonels Hunter's and Heintzleman's divisions, Colonels Sherman's and Keyes' brigades of Tyler's division, and of the formidable batteries of Rickett, Griffin, and Arnold regulars, and Second Rhode Island, and two Dahlgren howitzers—a force of over twenty thousand infantry, seven companies of regular cavalry, and twenty-four pieces of improved artillery. At the same time perilous, heavy reserves of infantry and artillery hung in the distance around the Stone Bridge, Mitchell's, Blackburn's and Union Mills fords, visibly ready to fall upon us at any moment; and I was also assured of the existence of other heavy corps at and around Centreville and elsewhere, within convenient supporting distances.

Fully conscious of this portentous disparity of force, as I posted the lines for the encounter, I sought to infuse into the hearts of my officers and men the confidence and determined spirit of resistance to this wicked invasion of the homes of a free people, which I felt. I informed them that reinforcements would rapidly come to their support, and we must at all hazards hold our posts until reinforced. I reminded them that we fought for our homes, our firesides, and for the independence of our country. I urged them to the resolution of victory or death on that field. These sentiments were loudly, eagerly cheered, wheresoever proclaimed, and I then felt reassured of the unconquerable spirit of that army, which would enable us to wrench victory from the host then threatening us with destruction.

O my country! I would readily have sac-

rificed my life, and those of all the brave men around me, to save your honor and to maintain your independence from the degrading yoke which those ruthless invaders had come to impose and render perpetual: and the day's issue has assured me that such emotions must also have animated all under my command.

In the mean time the enemy had seized upon the plateau on which the Robinson and Henry houses are situated—the position first occupied in the morning by Gen. Bee, before advancing to the support of Evans. Rickett's battery of six rifled guns—the pride of the Federalists, the object of their unstinted expenditure in outfit—and the equally powerful regular light battery of Griffin were brought forward and placed in immediate action, after having, conjointly with the batteries already mentioned, played from former positions with destructive effect upon our forward battalions.

The topographical features of the plateau, now become the stage of the contending armies, must be described in outline.

A glance at the map will show that it is enclosed on three sides by small watercourses, which empty into Bull Run within a few yards of each other, half a mile to the south of the Stone Bridge. Rising to an elevation of quite one hundred feet above the level of Bull Run at the bridge, it falls off on three sides to the level of the enclosing streams in gentle slopes, but which are furrowed by ravines of irregular direction and length, and studded with clumps and patches of young pines and oaks. The general direction of the crest of the plateau is oblique to the course of Bull Run in that quarter, and on the Brentsville and turnpike roads which intersect each other at right angles. Completely surrounding the two houses before mentioned, are small open fields of irregular outline, and exceeding one hundred and fifty acres in extent. The houses occupied at the time, the one by widow Henry, and the other by the free negro Robinson, are small wooden buildings, densely embowered in trees and environed by a double row of fences on two sides. Around the eastern and southern brow of the plateau, an almost unbroken fringe of second growth pines gave excellent shelter for our marksmen, who availed themselves of it with the most satisfactory skill. To the west, adjoining the fields, a broad belt of oaks extends directly across the crest on both sides of the Sudley road, in which, during the battle, regiments of both armies met and contended for the mastery.

From the open ground of this plateau, the view embraces a wide expanse of woods, and gently undulating open country of broad grass and grain fields in all directions, including the scene of Evans' and Bee's recent encounter with the enemy—some twelve hundred yards to the northward.

In reply to the play of the enemy's batteries, our own artillery had not been idle or unskilful. The ground occupied by our guns, on a level with that held by the batteries of the ene-

my, was an open space of limited extent, behind a low undulation, just at the eastern verge of the plateau, some five hundred or six hundred yards from the Henry house. Here, as before said, some thirteen pieces, mostly six pounders, were maintained in action,—the several batteries of Imboden, Stanard, Pendleton, (Rock-bridge Artillery,) and Alburtis', of the Army of the Shenandoah, and five guns of Walton's and Heaton's section of Rogers' battery, of the Army of the Potomac, alternating to some extent with each other, and taking part as needed; all from the outset displaying that marvellous capacity of our people as artillerymen which has made them, it would appear, at once the terror and the admiration of the enemy.

As was soon apparent, the Federalists had suffered severely from our artillery and from the fire of our musketry on the right, and especially from the left flank, placed under cover, within whose galling range they had been advanced. And we are told in their official reports how regiment after regiment, thrown forward to dislodge us, was broken, never to recover its entire organization on that field.

In the mean time, also, two companies of Stuart's Cavalry (Carter's and Hoge's) made a dashing charge down the Brentsville and Sudley road upon the Fire Zouaves—then the enemy's right on the plateau—which added to their disorder, wrought by our musketry on that flank. But still the press of the enemy was heavy in that quarter of the field, as fresh troops were thrown forward there to outflank us, and some three guns of a battery, in an attempt to obtain a position apparently to enfilade our batteries, were thrown so close to the Thirty-third regiment, Jackson's brigade, that that regiment, springing forward, seized them, but with severe loss, and was subsequently driven back by an overpowering force of Federal musketry.

Now, full two o'clock P. M., I gave the order for the right of my line, except my reserves, to advance to recover the plateau. It was done with uncommon resolution and vigor, and at the same time Jackson's brigade pierced the enemy's centre with the determination of veterans and the spirit of men who fight for a sacred cause; but it suffered seriously. With equal spirit the other parts of the line made the onset, and the Federal lines were broken and swept back, at all points, from the open ground of the plateau. Rallying soon, however, as they were strongly reinforced by fresh regiments, the Federalists returned, and by weight of numbers pressed our lines back, recovered their ground and guns, and renewed the offensive.

By this time, between half-past two and three o'clock P. M., our reinforcements pushed forward, and, directed by General Johnston to the required quarter, were at hand just as I had ordered forward, to a second effort, for the recovery of the disputed plateau, the whole line, including my reserves, which, at this crisis of the battle, I felt called upon to lead in person.

This attack was general, and was shared in by every regiment then in the field, including the Sixth (Fisher's) North Carolina regiment, which had just come up and taken position on the immediate left of the Forty-ninth Virginia regiment. The whole open ground was again swept clear of the enemy, and the plateau around the Henry and Robinson houses remained finally in our possession, with the greater part of the Rickett and Griffin batteries, and a flag of the First Michigan regiment, captured by the Twenty-seventh Virginia regiment, (Lieut.-Col. Echolls,) of Jackson's brigade. This part of the day was rich with deeds of individual coolness and dauntless conduct, as well as well-directed embodied resolution and bravery, but fraught with the loss to the service of the country of lives of inestimable preciousness at this juncture. The brave Bee was mortally wounded at the head of the Fourth Alabama and some Mississippians, in an open field near the Henry house, and a few yards distant the promising life of Bartow, while leading the Seventh Georgia regiment, was quenched in blood. Colonel F. J. Thomas, Acting Chief of Ordnance, of General Johnston's staff, after gallant conduct and most efficient service, was also slain. Col. Fisher, Sixth North Carolina, likewise fell, after soldierly behavior, at the head of his regiment, with ranks greatly thinned.

Withers' Eighteenth regiment of Cocks's brigade had come up in time to follow this charge, and, in conjunction with Hampton's Legion, captured several rifle pieces which may have fallen previously in possession of some of our troops; but if so, had been recovered by the enemy. These pieces were immediately turned and effectively served on distant masses of the enemy by the hands of some of our officers.

While the enemy had thus been driven back on our right entirely across the turnpike, and beyond Young's branch on our left, the woods yet swarmed with them, when our reinforcements opportunely arrived in quick succession, and took position in that portion of the field. Kershaw's Second and Cash's Eighth South Carolina regiments, which had arrived soon after Withers', were led through the oaks just east of the Sudley-Brentsville road, brushing some of the enemy before them, and, taking an advantageous position along and west of that road, opened with much skill and effect on bodies of the enemy that had been rallied under cover of a strong Federal brigade posted on a plateau in the southwest angle, formed by intersection of the turnpike with the Sudley-Brentsville road. Among the troops thus engaged were the Federal regular infantry.

At the same time Kemper's battery, passing northward by the S. B. road, took position on the open space—under orders of Colonel Kershaw—near where an enemy's battery had been captured, and was opened with effective results upon the Federal right, then the mark also of Kershaw's and Cash's regiments.

Preston's Twenty-eighth regiment, of Cocke's brigade, had by that time entered the same body of oaks, and encountered some Michigan troops, capturing their brigade commander, Colonel Wilcox.

Another important accession to our forces had also occurred about the same time, at three o'clock p. m. Brigadier-General E. K. Smith, with some one thousand and seven hundred infantry of Elzey's brigade, of the Army of the Shenandoah, and Beckham's battery, came up on the field from Camp Pickets, Manassas, where they had arrived by railroad at noon. Directed in person by General Johnston to the left, then so much endangered, on reaching a position in rear of the oak woods, south of the Henry house, and immediately east of the Sudley road, General Smith was disabled by a severe wound, and his valuable services were lost at that critical juncture. But the command devolved upon a meritorious officer of experience, Colonel Elzey, who led his infantry at once somewhat further to the left, in the direction of the Chinn house, across the road, through the oaks skirting the west side of the road, and around which he sent the battery under Lieutenant Beckham. This officer took up a most favorable position near that house, whence, with a clear view of the Federal right and centre, filling the open fields to the west of the Brentsville-Sudley road, and gently sloping southward, he opened fire with his battery upon them with deadly and damaging effect.

Colonel Early, who, by some mischance, did not receive orders until two o'clock, which had been sent him at noon, came on the ground immediately after Elzey, with Kemper's Seventh Virginia, Hays' Seventh Louisiana, and Barksdale's Thirteenth Mississippi regiments. This brigade, by the personal direction of General Johnston, was marched by the Holkham house, across the fields to the left, entirely around the woods through which Elzey had passed, and under a severe fire, into a position in line of battle near Chinn's house, outflanking the enemy's right.

At this time, about half-past three p. m., the enemy, driven back on their left and centre, and brushed from the woods bordering the Sudley road, south and west of the Henry house, had formed a line of battle of truly formidable proportions of crescent outline, reaching on their left from the vicinity of Pittsylvania, (the old Carter mansion,) by Matthew's and in rear of Dugan's, across the turnpike near to Chinn's house. The woods and fields were filled with their masses of infantry and their carefully preserved cavalry. It was a truly magnificent, though redoubtable spectacle, as they threw forward in fine style, on the broad, gentle slopes of the ridge occupied by their main lines, a cloud of skirmishers, preparatory for another attack.

But, as Early formed his line, and Beckam's pieces playing upon the right of the enemy, Elzey's brigade, Gibbon's Tenth Virginia, Lieu-

tenant-Colonel Stuart's First Maryland, and Vaughn's Third Tennessee regiments, and Cash's Eighth and Kershaw's Second South Carolina, Withers' Eighteenth and Preston's Twenty-eighth Virginia, advanced in an irregular line almost simultaneously with great spirit from their several positions upon the front and flanks of the enemy in their quarter of the field. At the same time, too, Early resolutely assailed their right flank and rear. Under the combined attack the enemy was soon forced, first over the narrow plateau in the southern angle made by the two roads so often mentioned, into a patch of woods on its western slope, thence back over Young's Branch and the turnpike into the fields of the Dugan farm and rearward, in extreme disorder, in all available directions, towards Bull Run. The rout had now become general and complete.

About the time that Elzey and Early were entering into action a column of the enemy, Keyes' brigade, of Tyler's division, made its way across the turnpike between Bull Run and the Robinson house, under cover of a wood and brow of the ridges, apparently to turn my right, but was easily repulsed by a few shots from Latham's battery, now united and placed in position by Captain D. B. Harris, of the Virginia engineers, whose services during the day became his character as an able, cool, and skilful officer, and from Alburts' battery, opportunely ordered by General Jackson to a position to the right of Latham, on a hill commanding the line of approach of the enemy, and supported by portions of regiments collected together by the staff officers of General Johnston and myself.

Early's brigade, meanwhile, joined by the Nineteenth Virginia regiment, Lieutenant-Colonel Strange, of Cocke's brigade, pursued the now panic-stricken, fugitive enemy. Stuart, with his cavalry, and Beckham had also taken up the pursuit along the road by which the enemy had come upon the field that morning; but, soon encumbered by prisoners who thronged his way, the former was unable to attack the mass of the fast-fleeing, frantic Federalists. Withers', R. J. Preston's, Cash's, and Kershaw's regiments, Hampton's Legion and Kemper's battery also pursued along the Warrenton road by the Stone bridge, the enemy having opportunely opened a way for them through the heavy abatis which my troops had made on the west side of the bridge several days before. But this pursuit was soon recalled, in consequence of a false report which unfortunately reached us that the enemy's reserves, known to be fresh and of considerable strength, were threatening the position of Union Mills ford.

Colonel Radford, with six companies Virginia cavalry, was also ordered by General Johnston to cross Bull Run and attack the enemy from the direction of Lewis' house, conducted by one of my aids, Colonel Chisholm, by the Lewis ford, to the immediate vicinity of the suspension bridge; he charged a battery

over, and captured the Federal colors of that regiment, as well as a number of the enemy. He lost, however, a prominent officer of his regiment, Captain Winston Radford.

Lieutenant-Colonel Munford also led some companies of cavalry in hot pursuit, and rendered material service in the capture of prisoners, and of cannon, horses, ammunition, &c., abandoned by the enemy in their flight.

Captain Lay's company of the Powhatan troops and Utterback's Rangers, Virginia Volunteers, attached to my person, did material service, under Captain Lay, in rallying troops broken for the time by the onset of the enemy's masses.

During the period of the momentous events fraught with the weal of our country, which were passing on the blood-stained plateau along the Sudley and Warrenton roads, other portions of the line of Bull Run had not been void of action, of moment, and of influence upon the general result.

While Colonel Evans and his sturdy band were holding at bay the Federal advance beyond the turnpike, the enemy made repeated demonstrations with artillery and infantry upon the line of Cocke's brigade, with the serious intention of forcing the position, as General Schenck admits in his report. They were driven back with severe loss by Latham's (a section) and Rogers' four six-pounders, and were so impressed with the strength of that line as to be held in check and inactive even after it had been stripped of all its troops but one company of the Nineteenth Virginia regiment under Captain Duke, a meritorious officer. And it is worthy of notice that in this encounter of our six-pounder guns, handled by our volunteer artillerymen, they had worsted such a notorious adversary as the Ayres'—formerly Sherman's—battery, which quit the contest under the illusion that it had weightier metal than its own to contend with.

The centre brigades—Bonham's and Longstreet's—of the line of Bull Run, if not closely engaged, were nevertheless exposed for much of the day to an annoying, almost incessant fire of artillery of long range; but by a steady, veteran-like maintenance of their positions they held virtually paralyzed all day two strong brigades of the enemy, with their batteries (four) of rifle guns.

As before said, two regiments of Bonham's brigade, Second and Eighth South Carolina Volunteers, and Kemper's battery took a distinguished part in the battle. The remainder, Third, (Williams') Seventh (Bacon's) South Carolina Volunteers; Eleventh (Kirkland's) North Carolina regiment; six companies Eighth Louisiana Volunteers; Shield's battery, and one section of Walton's battery, under Lieutenant Garnett, whether in holding their post or taking up the pursuit, officers and men discharged their duty with credit and promise.

Longstreet's brigade, pursuant to orders pre-

pared early in the morning, and, under a severe fire of artillery, was skillfully disposed for the assault of the enemy's batteries in that quarter, but were withdrawn subsequently, in consequence of the change of plan already mentioned and explained. The troops of this brigade were: First, Major Skinner; Eleventh, Garland's; Twenty-fourth, Lieut.-Col. Hairston's; Seventeenth, Corse's Virginia regiments; Fifth North Carolina, Lieutenant-Colonel Jones, and Whitehead's company of Virginia cavalry. Throughout the day these troops evinced the most soldierly spirit.

After the rout, having been ordered by General Johnston in the direction of Centreville in pursuit, these brigades advanced near to that place, when, night and darkness intervening, General Bonham thought it proper to direct his own brigade and that of General Longstreet back to Bull Run.

General D. B. Jones early in the day crossed Bull Run with his brigade, pursuant to orders indicating his part in the projected attack by our right wing and centre on the enemy at Centreville, took up a position on the Union Mills and Centreville road, more than a mile in advance of the Run. Ordered back in consequence of miscarriage of the orders to General Ewell, the retrograde movement was necessarily made under a sharp fire of artillery.

At noon this brigade, in obedience to new instructions, was again thrown across Bull Run to make demonstrations. Unsupported by other troops, the advance was gallantly made until within musket range of the enemy's force—Colonel Davis' brigade in position near Rocky Run and under the concentrated fire of their artillery. In this affair the Fifth, Jenkins' South Carolina, and Captain Fontaine's company of the Eighteenth Mississippi regiment, are mentioned by General Jones as having shown conspicuous gallantry, coolness, and discipline under a combined fire of infantry and artillery. Not only did the return fire of the brigade drive to cover the enemy's infantry, but the movement unquestionably spread through the enemy's ranks a sense of insecurity and danger from an attack by that route on their rear at Centreville, which served to augment the extraordinary panic which we know disbanded the entire Federal army for the time. This is evident from the fact that Colonel Davies, the immediate adversary's commander, in his official report, was induced to magnify one small company of our cavalry which accompanied the brigade into a force of two thousand men; and Colonel Miles, the commander of the Federal reserves at Centreville, says the movement "caused painful apprehensions for the left wing" of their army.

General Ewell, occupying for the time the right of the lines of Bull Run at Union Mills ford, after the miscarriage of my orders for his

advance upon Centreville, in the afternoon was ordered by General Johnston to bring up his brigade into battle, then raging on the left flank. Promptly executed as this movement was, the brigade after a severe march reached the field too late to share the glories, as they had the labors, of the day. As the important position at the Union Mills had been left with but a slender guard, General Ewell was at once ordered to retrace his steps and resume his position to prevent the possibility of its seizure by any force of the enemy in that quarter.

Brigadier-General Holmes, left with his brigade as a support to the same position in the original plan of battle, had also been called to the left, whither he marched with the utmost speed, but not in time to join actively in the battle.

Walker's rifle guns of the brigade, however, came up in time to be fired with precision and decided execution at the retreating enemy, and Scott's cavalry, joining in the pursuit, assisted in the capture of prisoners of war and munitions.

This victory, the details of which I have thus sought to chronicle as fully as were fitting an official report, it remains to record, was dearly won by the death of many officers and men of inestimable value belonging to all grades of our society.

In the death of General Bernard E. Bee the confederacy has sustained an irreparable loss, for with great personal bravery and coolness he possessed the qualities of an accomplished soldier and an able, reliable commander.

Colonels Bartow and Fisher, and Lieutenant-Colonel Johnson of Hampton's Legion, in the fearless command of their men, gave earnest of great usefulness to the service had they been spared to complete a career so brilliantly begun. Besides the field-officers already mentioned as having been wounded while in the gallant discharge of their duties, many others also received severe wounds after equally honorable and distinguished conduct, whether in leading their men forward or in rallying them when overpowered or temporarily shattered by the largely superior force to which we were generally opposed.

The subordinate grades were likewise abundantly conspicuous for zeal and capacity for the leadership of men in arms. To mention all who, fighting well, paid the lavish forfeit of their lives, or at least crippled, mutilated bodies on the field of Manassas, cannot well be done within the compass of this paper, but a grateful country and mourning friends will not suffer their names and services to be forgotten and pass away unhonored.

Nor are those officers and men who were so fortunate as to escape the thick-flying, deadly missiles of the enemy, less worthy of praise for their endurance, firmness, and valor than their brothers-in-arms, whose lives were closed, or bodies maimed, on that memorable day. To mention all who exhibited ability and brilliant

courage were impossible in this report; nor do the reports of brigade and other subordinate commanders supply full lists of all actually deserving of distinction. I can only mention those whose conduct came immediately under my notice, or the consequence of whose actions happened to be signally important.

It is fit that I should in this way commend to notice the dauntless conduct and imperturbable coolness of Colonel Evans, and well indeed was he supported by Colonel Sloan and the officers of the Fourth South Carolina regiment, as also Major Wheat, than whom no one displayed more brilliant courage until carried from the field, shot through the lungs, though happily not mortally stricken. But in the desperate, unequal contest to which those brave gentlemen were for a time necessarily exposed, the behavior of officers and men generally was worthy of the highest admiration; and assuredly hereafter all those present may proudly say, "We were of that band who fought the first hour of the battle of Manassas." Equal honors and credit must also be awarded in the pages of history to the gallant officers and men who, under Bee and Bartow, subsequently marching to their side, saved them from destruction, and relieved them from the brunt of the enemy's attack.

The conduct of General Jackson also requires mention as eminently that of an able, fearless soldier and sagacious commander, one fit to lead his brigade; his efficient, prompt, timely arrival before the plateau of the Henry house, and his judicious disposition of his troops, contributed much to the success of the day. Although painfully wounded in the hand, he remained on the field to the end of the battle, rendering invaluable assistance.

Colonel William Smith was as efficient, as self-possessed and brave; the influence of his example and his words of encouragement was not confined to his immediate command, the good conduct of which is especially noticeable, inasmuch as it had been embodied but a day or two before the battle.

Colonels Harper, Hutton, and Hampton, commanding regiments of the reserve, attracted my notice by their soldierly ability, as with their gallant commands they restored the fortunes of the day at a time when the enemy, by a last desperate onset with heavy odds, had driven our forces from the fiercely contested ground around the Henry and Robinson houses. Veterans could not have behaved better than these well-led regiments.

High praise must also be given to Colonels Ocke, Early, and Elzey, brigade commanders; also to Colonel Kershaw, commanding for the time the Second and Eighth South Carolina regiments. Under the instructions of General Johnston, these officers reached the field at an opportune, critical moment, and disposed, handled and fought their respective commands with sagacity, decision and successful results which have been described in detail.

Colonel J. E. H. Stuart likewise deserves

mention for his enterprise and ability as a cavalry commander. Through his judicious reconnaissance of the country on our left flank he acquired information, both of topographical features and the positions of the enemy, of the utmost importance in the subsequent and closing movements of the day on that flank, and his services in the pursuit were highly effective.

Captain E. P. Alexander, O. S. Engineers, gave me seasonable and material assistance early in the day with his system of signals. Almost the first shot fired by the enemy passed through the tent of his party at the Stone Bridge, where they subsequently firmly maintained their position in the discharge of their duty—the transmission of messages of the enemy's movements—for several hours under fire. Later, Captain Alexander acted as my aide-de-camp in the transmission of orders and in observation of the enemy.

I was most efficiently served throughout the day by my volunteer aids, Colonels Preston, Manning, Chesnut, Miles, Rice, Heyward, and Chisholm, to whom I tender my thanks for their unflinching, intelligent, and fearless discharge of the laborious and responsible duties entrusted to them. To Lieut. S. W. Ferguson, A. D. C., and Col. Heyward, who were habitually at my side from twelve noon until the close of the battle, my special acknowledgments are due. The horse of the former was killed under him by the same shell that wounded that of the latter. Both were eminently useful to me, and were distinguished for coolness and courage, until the enemy gave way and fled in wild disorder in every direction, a scene the President of the Confederacy had the high satisfaction of witnessing, as he arrived upon the field at that exultant moment.

I also received, from the time I reached the front, such signal service from H. E. Peyton, at the time a private in the Loudon Cavalry, that I have called him to my personal staff. Similar services were also rendered me repeatedly during the battle by T. J. Randolph, a volunteer acting aide-de-camp to Colonel Cooke.

Captain Clifton H. Smith, of the general staff, was also present on the field, and rendered efficient service in the transmission of orders.

It must be permitted me here to record my profound sense of my obligations to General Johnston for his generous permission to carry out my plans, with such modifications as circumstances had required. From his services on the field—as we entered it together—already mentioned, and his subsequent watchful management of the reinforcements as they reached the vicinity of the field, our countrymen may draw the most auspicious auguries.

To Colonel Thomas Jordan, my efficient and zealous Assistant Adjutant-General, much credit is due for his able assistance in the organization of the forces under my command, and for the intelligence and promptness with which

he has discharged all the laborious and important duties of his office.

Valuable assistance was given to me by Major Cabell, chief officer of the Quartermaster's Department, in the sphere of his duties—duties envied by far more than the ordinary difficulties and embarrassments attending the operations of a long organized regular establishment.

Colonel B. B. Lee, Chief of Subsistence Department, had but just entered upon his duties, but his experience, and long and varied services in his department, made him as efficient as possible.

Captain W. H. Fowle, whom Colonel Lee had relieved, had previously exerted himself to the utmost to carry out orders from these headquarters, to render his department equal to the demands of the service; that it was not entirely so, it is due to justice to say, was certainly not his fault.

Deprived by the sudden severe illness of the Medical Director, Surgeon Thomas H. Williams, his duties were discharged by Surgeon R. L. Brodie, to my entire satisfaction; and it is proper to say that the entire medical corps of the army, at present embracing gentlemen of distinction in the profession, who had quit lucrative private practice, by their services in the field and subsequently, did high honor to their profession.

The vital duties of the Ordnance Department were effectively discharged under the administration of my Chief of Artillery and Ordnance, Colonel S. Jones.

At one time, when reports of evil omen and disaster reached Camp Pickens, with such circumstantiality as to give reasonable grounds of anxiety, its commander, Colonel Terrett, the commander of the intrenched batteries, Captain Sterrett, of the Confederate States Navy, and their officers, made the most efficient possible preparations for the desperate defence of that position in extremity; and, in this connection, I regret my inability to mention the names of those patriotic gentlemen of Virginia, by the gratuitous labor of whose slaves the intrenched camp at Manassas had been mainly constructed, relieving the troops from that laborious service and giving opportunity for their military instruction.

Lieutenant-Colonel Thomas H. Williamson—the engineer of these works, assisted by Captain D. B. Harris, discharged his duties with untiring energy and devotion, as well as satisfactory skill. Captain W. H. Stevens, Engineer Confederate Army, served with the advanced forces at Fairfax Court House for some time before the battle: he laid out the works there in admirable accordance with the purposes for which they were designed, and yet so as to admit of ultimate extension and adaptation to more serious uses as means and part of a system of real defence when determined upon. He has shown himself to be an officer of energy and ability.

Major Thomas G. Rhett, after having discharged for several months the laborious duties of Adjutant-General to the commanding officer of Camp Pickens, was detached to join the army of the Shenandoah, just on the eve of the advance of the enemy; but, volunteering his services, was ordered to assist on the staff of General Bonham, joining that officer at Centreville on the night of the 17th, before the battle of Bull Run, where he rendered valuable service, until the arrival of General Johnston, on the 20th of July, when he was called to the place of Chief of Staff of that officer.

It is also proper to acknowledge the signal services rendered by Colonel B. F. Terry and T. Lubbock, of Texas, who had attached themselves to the staff of General Longstreet. These gentlemen made daring and valuable reconnaissances of the enemy's positions, assisted by Captains Goree and Chichester. They also carried orders to the field, and on the following day, accompanying Captain Whitehead's troops to take possession of Fairfax Court House, Colonel Terry, with his unerring rifle, severed the halliard, and thus lowered the Federal flag found still floating from the cupola of the Court House there. He also secured a large Federal garrison flag designed, it is said, to be unfurled over our intrenchments at Manassas.

In connection with the unfortunate casualties of the day—that is, the miscarriage of the orders sent by courier to Generals Holmes and Ewell to attack the enemy in flank and reverse at Centreville, through which the triumph of our arms was prevented from being still more decisive—I regard it in place to say, a divisional organization, with officers in command of divisions, with appropriate rank as in European services, would greatly reduce the risk of such mishaps, and would advantageously simplify the communications of a general in command of a field with his troops.

While glorious for our people and of crushing effect upon the *morale* of our hitherto confident and overweening adversary, as were the events of the battle of Manassas, the field was only won by stout fighting, and, as before stated, with much loss, as is precisely exhibited in the papers herewith, marked F, G, and H, and being lists of the killed and wounded. The killed outright numbered two hundred and sixty-nine, the wounded one thousand four hundred and thirty-eight—making an aggregate of one thousand eight hundred and fifty-two.

The actual loss of the enemy will never be known; it may now only be conjectured. Their abandoned dead, as they were buried by our people where they fell, unfortunately were not enumerated; but many parts of the field were thick with their corpses, as but few battle-fields have ever been. The official reports of the enemy are studiously silent on this point, but still afford us data for an approximate estimate. Left almost in the dark in respect to

the losses of Hunter's and Heintzelman's divisions—first, longest, and most hotly engaged—we are informed that Sherman's brigade—Tyler's division—suffered in killed, wounded, and missing, six hundred and nine—that is, about eighteen per cent. of the brigade. A regiment of Franklin's brigade—Gorman's—lost twenty-one per cent. Griffin's (battery) loss was thirty per cent., and that of Keyes' brigade, which was so handled by its commander as to be exposed to only occasional volleys from our troops, was at least ten per cent. To these facts, and the repeated references in the reports of the more reticent commanders, to the "murderous" fire to which they were habitually exposed—the "pistol range" volleys and galling musketry of which they speak, as scourging their ranks, and we are warranted in placing the entire loss of the Federalists at over forty-five hundred in killed, wounded, and prisoners. To this may be legitimately added, as a casualty of the battle, the thousands of fugitives from the field who have never rejoined their regiments, and who are as much lost to the enemy's service as if slain or disabled by wounds. These may not be included under the head of "missing," because in every instance of such report we took as many prisoners of those brigades or regiments as are reported "missing."

A list appended exhibits some fourteen hundred and sixty of their wounded and others who fell into our hands, and were sent to Richmond. Some were sent to other points, so that the number of prisoners, including wounded who did not die, may be set down at not less than sixteen hundred. Besides these, a considerable number who could not be removed from the field, died at several farm-houses and field-hospitals within ten days following the battle.

To serve the future historian of this war, I will note the fact that among the captured Federalists are officers and men of forty-seven regiments of volunteers, besides from some nine different regiments of regular troops, detachments of which were engaged. From their official reports we learn of a regiment of volunteers engaged, six regiments of Miles' division, and the five regiments of Runyon's brigade, from which we have neither sound nor wounded prisoners. Making all allowances for mistakes, we are warranted in saying that the Federal army consisted of at least fifty-five regiments of volunteers, eight companies of regular infantry, four of marines, nine of regular cavalry, and twelve batteries, one hundred and nineteen guns. These regiments, at one time, as will appear from a published list appended, marked "K," numbered in the aggregate, fifty-four thousand one hundred and forty, and average nine hundred and sixty-four each; from an order of the enemy's commander, however, dated July 18, we learn that one hundred men from each regiment were ordered to remain in charge of respective camps. Some allowance

must further be made for the sick and details, which would reduce the average to eight hundred—adding the regular cavalry, infantry, and artillery present, an estimate of their force may be made.

A paper appended, marked "L," exhibits, in part, the ordnance and supplies captured, including some twenty-eight field-pieces of the best character of arm, with over one hundred rounds of ammunition for each gun, thirty-seven caissons, six forges, four battery wagons, sixty-four artillery horses, completely equipped, five hundred thousand of small arms' ammunition, four thousand five hundred sets rounds of accoutrements, over five hundred muskets, some nine regimental and garrison flags, with a large number of pistols, knapsacks, swords, canteens, blankets, a large store of axes and intrenching tools, wagons, ambulances, horses, camp and garrison equipage, hospital stores, and some subsistence.

Added to these results may rightly be noticed here that by this battle an invading army superbly equipped, within twenty miles of their base of operations, has been converted into one virtually besieged, and exclusively occupied for months in the construction of a stupendous series of fortifications for the protection of its own capital.

I beg to call attention to the reports of the several subordinate commanders for reference to the signal parts played by individuals of their respective commands. Contradictory statements, found in these reports, should not excite surprise, when we remember how difficult, if not impossible, it is to reconcile the narrations of bystanders, or participants in even the most inconsiderable affair, much less the shifting, thrilling scenes of a battle-field.

Accompanying are maps showing the positions of the armies on the morning of the 21st July, and of three several stages of the battle; also, of the line of Bull Run north of Blackburn's Ford. These maps, from actual surveys made by Captain D. B. Harrison, assisted by Mr. John Grant, were drawn by the latter with a rare delicacy worthy of high commendation.

In conclusion it is proper, and doubtless expected, that through this report my countrymen should be made acquainted with some of the sufficient causes that prevented the advance of our forces, and prolonged vigorous pursuit of the enemy to and beyond the Potomac. The War Department has been fully advised long since of all of those causes, some of which only are proper to be here communicated. An army which had fought like ours on that day against uncommon odds, under a July sun, most of the time without water and without food, except a hastily snatched meal at dawn, was not in condition for the toil of an eager, effective pursuit of an enemy immediately after the battle.

On the following day an unusually heavy and unintermitting fall of rain intervened to obstruct our advance with reasonable prospect of fruitful

results. Added to this, the want of a cavalry force of sufficient numbers, made an efficient pursuit a military impossibility.

Your obedient servant,

G. T. BEAUREGARD,
General Commanding.

To General S. COOPER, Adjutant and Inspector-General, Richmond, Va.

R. H. CHILTON, Adjutant.

Doc. 18

NEUTRALITY OF HAWAII.

PROCLAMATION!

Kamehameha IV., King of the Hawaiian Islands:

BE it known, to all whom it may concern, that we, Kamehameha IV., King of the Hawaiian Islands, having been officially notified that hostilities are now unhappily pending between the Government of the United States and certain States thereof styling themselves "The Confederate States of America," hereby proclaim Our neutrality between said contending parties.

That Our neutrality is to be respected to the full extent of Our jurisdiction, and that all captures and seizures made within the same are unlawful, and in violation of Our rights as a Sovereign.

And be it further known, that we hereby strictly prohibit all Our subjects, and all who reside in or may be within Our jurisdiction, from engaging either directly or indirectly in privateering against the shipping or commerce of either of the contending parties, or of rendering any aid to such enterprises whatever; and all persons so offending will be liable to the penalties imposed by the laws of nations, as well as by the laws of said States, and they will in nowise obtain any protection from us as against any penal consequences which they may incur.

Be it further known, that no adjudication of prizes will be entertained within Our jurisdiction, nor will the sale of goods or other property belonging to prizes be allowed.

Be it further known, that the rights of asylum are not extended to the privateers or their prizes of either of the contending parties, excepting only in case of distress or of compulsory delay by stress of weather or dangers of the sea, or in such cases as may be regulated by Treaty stipulation.

Given at Our Marine Residence of Kailua, this 26th day of August, A. D. 1861, and the seventh of Our Reign.

By the King, KAMEHAMEHA.

KAAHUMANU.

By the King and Kuhina Nui,

R. C. WILLIE.

Doc. 14.

THE UNITED STATES AND RUSSIA.

PRINCE GORTSCHAKOFF TO BARON DE STOECKL.

ST. PETERSBURG, July 10, 1861.

M. DE STOECKL, &c., &c., &c. :

SIR: From the beginning of the conflict which divides the United States of America you have been desired to make known to the Federal Government the deep interest with which our august master was observing the development of a crisis which puts in question the prosperity and even the existence of the Union.

The Emperor profoundly regrets to see that the hope of a peaceful solution is not realized, and that American citizens already in arms are ready to let loose upon their country the most formidable of the scourges of political society—a civil war. For more than eighty years that it has existed the American Union owes its independence, its towering rise and its progress, to the concord of its members, consecrated under the auspices of its illustrious founder, by institutions which have been able to reconcile the Union with liberty. This Union has been faithful. It has exhibited to the world the spectacle of a prosperity without example in the annals of history. It would be deplorable that, after so conclusive an experience, the United States should be hurried into a breach of the solemn compact which, up to this time, has made their power. In spite of the diversity of their constitutions and of their interests, and perhaps even because of their diversity, Providence seems to urge them to draw closer the traditional bond which is the basis of the very condition of their political existence. In any event, the sacrifices which they might impose upon themselves to maintain it are beyond comparison with those which dissolution would bring after it. United, they perfect themselves; isolated, they are paralyzed.

The struggle which unhappily has just arisen can neither be indefinitely prolonged nor lead to the total destruction of one of the parties. Sooner or later it will be necessary to come to some settlement, whatsoever it may be, which may cause the divergent interests now actually in conflict to co-exist. The American nation would then give a proof of high political wisdom in seeking in common such a settlement before a useless effusion of blood, a barren squandering of strength and of public riches, and acts of violence and reciprocal reprisals shall have come to deepen an abyss between the two parties of the confederation, to end definitely in their mutual exhaustion, and in ruin, perhaps irreparable, of their commercial and political power.

Our august master cannot resign himself to admit such a deplorable anticipation. His Imperial Majesty still places his confidence in that practical good sense of the citizens of the Union who appreciate so judiciously their true interests. His Majesty is happy to believe that the

members of the Federal Government, and the influential men of the two parties, will seize all occasions and will unite all their efforts to calm the effervescence of the passions. There are no interests so divergent that it may not be possible to reconcile them by laboring to that end with zeal and perseverance, in a spirit of justice and moderation.

If, within the limits of your friendly relations, your language and your counsels may contribute to this result, you will respond, sir, to the intentions of His Majesty the Emperor in devoting to this the personal influence which you may have been able to acquire during your long residence at Washington, and the consideration which belongs to your character as the representative of a sovereign animated by the most friendly sentiments toward the American Union. This Union is not simply in our eyes an element essential to the universal political equilibrium: it constitutes, besides, a nation to which our august master and all Russia have pledged the most friendly interests for the two countries placed at the extremities of the two worlds; both in the ascending period of their development appear called to a natural community of interests and of sympathies, of which they have already given mutual proofs to each other.

I do not wish here to approach any of the questions which divide the United States. We are not called upon to express ourselves in this contest. The preceding considerations have no other object than to attest the lively solicitude of the Emperor in the presence of the dangers which menace the American Union, and the sincere wishes that his Majesty entertains for the maintenance of that great work, so laboriously raised, and which appeared so rich in its future.

It is in this sense, sir, that I desire you to express yourself, as well to the members of the General Government as to the influential persons whom you may meet, giving them the assurance that in every event the American nation may count upon the most cordial sympathy on the part of our august master during the important crisis which it is passing through at present.

Receive, sir, the expression of my very deep consideration.

GORTSCHAKOFF.

MR. SEWARD TO M. DE STOECKL.

DEPARTMENT OF STATE, }
WASHINGTON, Sept. 7, 1861. }

The Secretary of State of the United States is authorized by the President to express to M. De Stoeckl, Envoy Extraordinary and Minister Plenipotentiary of his Majesty the Emperor of Russia, his profound sense of the liberal, friendly, and magnanimous sentiments of his Majesty on the subject of the internal differences which for a time have seemed to threaten the American Union, as they are communicated in the instructions from Prince Gortschakoff to M. De Stoeckl, and by him read by his Majesty's directions to the President of the United States and the Secretary of State. M. De Stoeckl will express to his Government the satisfaction with

which the Government regards this new guarantee of a friendship between the two countries which had its beginning with the national existence of the United States. The Secretary of State offers to M. De Stoeckl renewed assurances of his high consideration.

WILLIAM H. SEWARD.

M. DE STOECKL, &c., &c.

Doc. 15.

PROCLAMATION OF THE QUEEN OF SPAIN.

CONSIDERING the relations which exist between Spain and the United States of America, and the expediency of not changing the reciprocal feelings of friendly understanding on account of the grave events which have happened in that republic, I have resolved to maintain the strictest neutrality in the struggle engaged in between all the Federal States of the Union and the Confederate States of the South; and in order to avoid the losses which my subjects might suffer both in shipping and commerce, for want of definite rules to which their conduct might conform, in accordance with my Council of Ministers I decree as follows:

Article 1. It is forbidden in all the ports of the Spanish realm to arm, supply, and equip any privateer vessel, whatever may be the flag she carries.

Art. 2. It is in like manner forbidden to owners, masters, or captains of merchant vessels to accept letters of marque or contribute in any way to the arming and equipping of vessels of war or privateers.

Art. 3. The entering and remaining for more than twenty-four hours in the ports of the realm is forbidden to vessels of war or privateers with prizes, unless in case of necessity through stress of weather.

When this latter happens the authorities shall watch the vessel and oblige her to go to sea as soon as possible, without permitting her to take any more supplies than for present necessity; but on no account either arms or munitions of war.

Art. 4. Effects taken from prizes shall not be sold in the ports of the realm.

Art. 5. Transportation, under the Spanish flag, of all articles of commerce is guaranteed, except when directed to blockaded ports.

The carrying of war material, papers, or communications for the belligerents is forbidden. Trespassers shall be responsible for their acts, and shall have no right to the protection of my Government.

Art. 6. All Spaniards are forbidden to enlist in the belligerent armies, or to engage themselves to serve on board vessels of war or privateers.

Art. 7. My subjects shall refrain from every act which, by violating the laws of the kingdom, may be considered contrary to neutrality.

Art. 8. Transgressors of the foregoing regu-

lations shall have no right to the protection of my Government, shall suffer the consequences of the measures which the belligerents may prescribe, and shall be punished as provided by the laws of Spain.

Given at the Palace, on the seventeenth of June, one thousand eight hundred and sixty-one. Signed by the royal hand.

SATURNINO CALDERON COLLANTES,
Minister of State.

Doc. 16.

UNITED STATES AND PRUSSIA.

DESPATCH OF BARON SCHLEINITZ TO BARON GEROLT.

BERLIN, June 13, 1861.

THE incontestable fact of the state of intestine war in which the Union is engaged at this moment is for the royal Government a subject of deep regret. The relations of profound friendship which bind Prussia to the Government of the United States have existed since the establishment of the Union. They have never been disturbed or troubled in any manner in the course of a century by the vicissitudes of events. By a series of treaties having especially in view the advantages of reciprocal commercial interests, those intimate relations between the two States have been happily consolidated. At no time has a collision of opposing interests taken place between both powers. The scope which the internal prosperity of the Union has taken, the growing extent of the States held together by the bonds of harmony, and the power which North America has acquired abroad, far from being viewed with jealousy by Prussia, have ever been greeted with sincere sympathy.

Our regret is so much the more lively at seeing now the continuance of so happy a condition become a question, in consequence of the disturbance that internal harmony is experiencing, the existence of which has hitherto been the surest basis of the Union.

It is not the part of the royal Government either to discuss the causes of that rupture or to pass judgment on litigious questions which regard exclusively the internal situation of the Union. All our efforts will tend to preserve, even under present circumstances, our position toward the United States. Yet the grave turn which the conflict has taken, and the measures which the Government of the Union itself has taken in relation to blockade and the treatment of neutral vessels, have a sensible and serious bearing on our interests, and the royal Government believes it to be its duty to give to those interests the protection which is founded upon public law and upon treaties.

You are fully informed of the negotiations which have been carried on for many years between Prussia and the United States relative to the principles which should be applied in time of war touching the rights of neutral vessels.

With the American Cabinet will ever rest the honor of having first, in the proposed treaty which it submitted to us in 1854, taken the initiative in carrying out liberal principles, and insuring on a wider scale the rights of which it treated. It is with great pleasure we have received at this time the proposals from North America, and if the negotiations conducted by you have not had the desired success, because there was a hesitation in deferring to our wishes for the abolition of letters of marque, yet, the generally felt necessity of seeing the rights of neutrals, in time of war, mutually settled on a wide and unalterable basis, has been taken into serious consideration by the great maritime Powers of Europe.

The declaration signed at Paris on the 6th of April, 1856, is a proof of it. All the European States, Spain alone excepted, have adhered to it. If the United States have, to our regret, in regard to the first proposition concerning the abolition of letters of marque, refused in their turn to adhere to the Paris declaration, we do not overlook the kindly and liberal intention which controlled the views of the Washington Cabinet. That intention was manifested in the counter proposition of President Pierce, according to which the principle of the inviolability of private property on the sea should be inscribed in the code of international law. Unfortunately, the President did not succeed in getting that proposition adopted. You are perfectly aware of the justice we have done him.

In view of the doubts existing in regard to the treatment of which neutral shipping may be subjected in the course of the present war, I beg you to make this important question the object of a free and friendly explanation with the American Secretary of State.

What we should most desire is that the American Government should seize this occasion to proclaim its accession to the Paris declaration. If that be not possible, we would be satisfied for the present that, while the war lasts, they would please to apply to neutral shipping generally the second and third propositions of the Paris declaration. The application of the second proposition, providing that a neutral flag covers enemies' merchandise, unless contraband of war, is already guaranteed to Prussian shipping by article twelve of the treaty of September 10, 1785, reproduced in our treaty with the United States of May 1, 1828. However, we attach a particular importance to the application at this time, generally, of that principle to neutral shipping. We have the less doubt of it since, conformably to a despatch, under date of June 27, 1859, addressed by Mr. Cass, Secretary of State, to the Minister of the United States at Paris, and which has been communicated to us; the President, without, however, adhering to the Paris declaration, expressly demanded that the principle under which the neutral flag covers neutral merchandise, unless contraband of war, should be applied everywhere and by every one to United States vessels.

Concerning the third proposition, in regard to the inviolability of private property on the high seas, it is of urgent necessity for the great powers that it be recognized by America. If doubts still exist as to that principle being carried out, the commercial enterprises of neutral States will be exposed to inevitable inconvenience, and we may have cause to fear collisions even of a very serious nature, and which we would desire might be prevented in time.

I will experience a real satisfaction in receiving from you soon the news that the overtures and proposals with which I have just charged you have met with a promising reception.

SCHLEINITZ.

Doc. 17.

SPEECH OF DANIEL S. DICKINSON,

AT A MASS MEETING OF THE CITIZENS OF WYOMING COUNTY, PENNSYLVANIA, HELD AT TUNKHANNOCK, AUGUST 19, 1861.

Mr. President, and Ladies and Gentlemen:

Amid all the diversity of sentiment in our land, there is one subject upon which we can agree, and that is, that our country is in a most lamentable condition—our Government threatened with disruption, our Constitution with subversion, and our institutions with overthrow. We are met here for the purpose of discussing the great interests of a common country, and of determining what becomes us in an exigency so trying and so fearful. I meet you here not to discuss slavery or anti-slavery, democracy or republicanism. Though an old-line democrat, "brought up at the feet of Gamaliel," and adhering with tenacity to the principles of democracy through an active life, I come not to speak to you upon political partisan subjects. I come to discuss a matter that concerns our Union—one that rises far above and shoots deeper than any or all party interests or issues.

We have a duty before us, fellow-citizens, far beyond that of the fathers of the Revolution. They were oppressed by tyranny, and they sought to throw off the shackles of a despotic monarchy. They hoped that a great and free government would spring up from their patriotic efforts, but the most sanguine never imagined that one so replete with good would be the fruits of their beginning. What with them was hope, with us is fruition. They planted, and we have reaped. Their experiment has become a great success, and we are enjoying, or might enjoy, such blessings as Heaven never before vouchsafed to mortal men. But a conspiracy has appeared; strife and division are at our doors; and it becomes us now to see whether the fruits of this great and beneficent Union must be lost or whether they can be preserved.

It were needless to go back to review dead and buried issues. There is a great fact staring us in the face, and with that we have to deal. It matters not whether the origin of our difficulties was North or South, or East or West—

the question is, How shall they be dealt with and disposed of? In every government, and especially in every free government, political parties will arise, and it is well that it should be so. So far from being a curse, when restrained within legitimate bounds they are a blessing. The strife of political parties, like the agitation of the natural elements, purifies the moral atmosphere, and gives life, and vigor, and freedom to our institutions; but there are some questions too great, some too small, for the exercise of political parties; and we have many duties to discharge in the various relations of life that do not appertain to political affairs, which we should come together and discharge, as American citizens, as brethren of one tie, and not inquiring whether we belong to this, or that, or the other division of political parties. When we assemble around the grave of a neighbor, and hear those words that have risen so many hearts, "Earth to earth, dust to dust, ashes to ashes," and the creaking of the cord as the remains are lowered to their final resting-place, the strifes of passion are hushed in the bosom, and we remember only that we are men—inquiring not what were the political views of the dead or living. At midnight you hear the cry of "Fire!" You rush into the street, and find your neighbor's dwelling in flames. It is found that in the terror of the moment a mother has left her infant in the chamber. The flames hiss through every crevice, the cinders crackle, the rafters tumble, but another and another make the attempt, till at last one seems to be lost in the flames! Every eye-ball is strained, every heart palpitates, every breath is hushed, every muscle stands out like whip-cord, and all believe he has perished; but, finally, he appears, and restores the loved one to its swooning mother; but no one inquires to what political party he belongs. When the citadel of our country is menaced, when the edifice that Washington and Franklin and their associates erected, is in flames, it becomes us, whatever may have been our political proclivities before, to rise above all other considerations, and to keep this citadel from destruction. *I cannot afford to turn away from my duty because a political opponent is acting with me, nor to stay back from my duty because a political friend deserts me.* No; I must go on and discharge this great obligation. I hold it to be the first duty of every citizen, of every party, to aid in restoring—if restored it can be—this great and good Government.

Previous to the last political election, this country was at peace with the world, and in the enjoyment of greater privileges than any other government on earth; there was no people so blessed in every ramification of society. This mighty sea of happy faces before me testifies to the fact that they have been and are in the enjoyment of civil and religious freedom. And so it was from the North to the South, and from the East to the West; with over thirty millions of people, unoppressed by government, but

every one enjoying the fruit of his own industry, and literally "none to molest or to make him afraid." Then, what cause is there for this great disturbance? *Why is it that one portion of this country is in arms against another?* Let us inquire the cause of the complaint first, and then see if we can prescribe a remedy afterward.

We all agree that the grievance is most serious. But what is the true way of remedying it,—of putting down what I shall term a rebellion? And we can all agree that the rebellion is either right or wrong, justifiable or unjustifiable—to be approved or condemned, as a whole. If it is right for a portion of the country to take up arms against this Government, it is right to sustain such action; and if wrong, it should be put down by the whole power of the loyal people. There is no half-way house in this matter—no tarrying-place between sustaining the Government, and attempting its overthrow. *There is no peace proposition that will suit the case until the rebellion is first put down.* And were I in favor, or disposed to tamper with this rebellion, or aid or countenance it, I would go and take up arms with those who are in arms sustaining it. Because, if it is right for them to take up arms, it is right for them to have armed aid and assistance. If they are wrong, if they are guilty of treason, and murder, and arson, then they should be overthrown by the whole power of the Government, and put down so that no resurrection day will ever dawn on rebellion again. I am one of those who, in former years, thought that sectional discussions put in jeopardy the well-being of the Union, and I think now, as then, that there never was a sectional cause of controversy that justified this, or any armed rebellion. I believe this rebellion did not arise out of sectional agitation, but from a *blind, wicked, restless ambition.* And I believe it is the duty of every man, woman, and child, to raise an arm against it to crush it. Our Constitution is never to be put down. (An indistinct voice in the crowd—"Compromise.") What does my friend say, "Compromise?" Well, I will get at "Compromise," before I close. I believe in the integrity of the Union; I believe in the integrity of the Constitution; I believe in sustaining both by the power of the Government.

But they say: "You would not coerce a State?" No; I would not coerce a State. I have said I would not; first, because it is impracticable; because you cannot coerce a State. Second, because it would be unjust to coerce a State in its domestic policy if it could be done. But you may coerce rebellion in a State, until you give that State an opportunity to act through its loyal citizens in discharge of its duties to the Union. And *I would coerce rebellion wherever I could find it.* You may not coerce a community, but you may coerce its thieves and murderers. You may coerce State criminals, and thus enable the State and its loyal citizens to fulfil their relations in the

Government of the Union. If we can sustain our Union, if we can uphold our Constitution, it is not by compromising with rebellion—it is by putting down rebellion, and making our compromise with fidelity. And of all men living, a democrat is the last man who can take a stand against the Constitution of his country. A democrat lives, and moves, and has his being in the Constitution. He cannot live outside of, or in opposition to the Constitution. He must stand by the Constitution in all its parts. It was that doctrine that gave the democratic party its power and ascendancy in the times of Jefferson, of Madison, and of that old hero, Andrew Jackson. Just in proportion as the democracy have wandered from the Constitution, just in the same proportion have they gone down before the assaults of their opponents. And if they had been faithful, and stood fully up to their own doctrines, all the abolition parties of the earth, and all the republican parties of the earth, and all the combined powers of the earth, could never have put down the old democratic party. I have ever believed in the justice of democracy, and I believe in it to-day as much as ever; and therefore I believe it to be my duty to stand upon the ramparts of the Constitution, and defend it from all foes, whether they come from the North, the South, the East, or the West. My fellow-democrats, supposing there are any such in my hearing, suppose Breckinridge had been elected, and Sumner, and Garrison, and Wendell Phillips, and the abolitionists of the New England States generally, had started a rebellion against the authority of the United States, what would I have done? I would have done as I am doing now. I would have tried to animate my countrymen to put them down by force of arms. Now, why not treat Southern rebellion just as you would have treated Northern rebellion—Eastern rebellion as you would Western rebellion—and wherever rebellion comes from, put it down forever? That is my doctrine. I have stood by that doctrine in olden times, and I will stand by it now; and if that doctrine goes down, I will go down with it.

There were causes of irritation between the sections, I admit. I deprecated them, and labored long and earnestly to quiet and get rid of them; but it was not done. Those causes of irritation, although they may have suggested to Southern States to request becoming guarantees, never justified armed rebellion in any shape or manner. And what were they? The only real, practical cause of irritation was the non-execution of the Fugitive Slave Law; but that did not affect the Cotton States so called. Missouri, Kentucky, Virginia, Maryland, and Delaware, and perhaps one or two other States, were the only ones ever injured by it. The Cotton States never lost a fugitive slave from the time of their existence to this day. To be sure they had a question about territories, but it was entirely ideal, a mere abstraction, and not a real grievance. but if it had been, they

had the Supreme Court and a majority of both branches of Congress, and thus practically had control of the question. The fugitive slave question was the only practical one, therefore, which annoyed them, and that was not the cause of the rebellion. What State first seceded? South Carolina began to scrape lint before the presidential votes were counted. She had no practical grievance whatever. Look at Virginia. Though politicians cajoled, cheated, and defrauded, and bullies held bowie-knives to the throats of her citizens to coerce rebellion, it was a long time before they could compel that State into any thing like secession. And when they did so nominally, the State government was revolutionized, one part withdrew from the other, and organized a separate government, rather than allow it to go into the bottomless pit of secession. Maryland, when she gets a chance, votes against it. Missouri—her citizens are pouring out their blood like water, and their treasure without stint, rather than be drawn into secession. Look at good old Kentucky, where her Governor and Senators have labored to take her out of the Union—after all attempts to seduce her from her fidelity to the Constitution, she gives more than sixty thousand majority for the Union. Now, I inquire of all citizens in the free States, especially my democratic fellow-citizens, whether they are troubled about the integrity of Kentucky—whether they think it is necessary to stay up the hands of rebellion in Kentucky, so emphatically condemned there? I repeat, that the only practical cause of dissension was the fugitive-slave question; and that appertained to States that could only be drawn or dragooned into the folly of secession. Gen. Butler has had this question on his hands. As long as the Constitution was acknowledged, all conservative citizens admitted that it was the duty of the free States to restore the fugitive who was fleeing from the service of his master. Gen. Butler has found the restoration of the fugitives impracticable in many cases. The master had thrown off the Constitution. What was the result? He was obliged to receive hundreds of "contrabands," and retain them. I do not know what he is going to do with them; but I suppose something as the Irishman was going to do with the Widow Maloney's pig. "Did you steal Widow Maloney's pig, Patrick?" asked the priest. "That I did." "What made you? Think what you will do, you heretic, in the Great Day, when I shall be there, and you will be there, and the Widow Maloney will be there, and the pig will be there." "And will your Riverence be there?" "Yes." "And the Widow Maloney there?" "Yes." "And the pig there?" "Yes." "Well, I should say, Widow Maloney, take your pig!" Now, I do not know but Gen. Butler is going to take as long a credit as did the Irishman. But, when we have a Constitution, and when they acknowledge its force, I have no doubt but every just citizen will be in favor of seeing it complied with.

I have just as much confidence in the masses of the Southern people as in the masses of the Northern people. Both are alike. The masses are honest. To be sure, their institutions, their habits of life, their means of communication, render them more excitable, more easily influenced by, and more relying upon their leaders for public information, and, therefore, more liable to be misled than the people of the North. Nevertheless, I have confidence in the Southern people; and the result of the great conflict in Kentucky assures me that the Southern heart is, with the people, sound to the core. Though terrified into seeming secession, with the exception of one or two States in the South, I am well satisfied that, if the question of Union or disunion were submitted to the people to-day, an overwhelming vote would be given for the Union and its Stars and Stripes. Every indication has shown that. Whenever there has been an election in any Southern State, and a fair opportunity given, you have seen that the Union sentiment has prevailed. *It is by military power, by threats, intimidation, destruction, murder, and arson that they have succeeded in forcing onward the cause of secession.* In some States, as, for instance, Louisiana, they never submitted the question to the people at all. It is a base humbug of Davis, Cobb & Co., to place themselves in power. The election of a political opponent was never a cause of secession or for disturbance; and if those secession leaders had opposed Mr. Lincoln's election, from the time of the Charleston Convention, with half the pertinacity and force that I did, he would not have been elected. I charge, in all my public speeches, that they connived at that election; and the same has been charged home upon them by their own people in the South. Their time had come. Secession must be forced upon the South, or they would be ruined. They remind one of little boys who want to ride a horse. Those in the city get them a hobby-horse, and they can ride that. Country boys get astride of a stick, and ride that. This knot of office-seekers, failing to get a horse to ride, or even a hobby, have mounted this poor stick of a Southern Confederacy, and are riding that. It is just such ambition as caused the angels in heaven to rebel. It was not because we had not a good government, but because they could not rule it.

Call them democrats, or entitled to the sympathy of democrats, with arms in their hands against their Government, and their hands red with the blood of our murdered citizens! *They are enemies of their country; they are traitors to the flag and the Constitution,* and as such I arraign them in the name of the Constitution and the Union. I arraign them in the name of civilization; I arraign them in the name of Christianity; I arraign them in the name of the fathers of the Revolution, who poured out their blood to gain the liberty transmitted to us; I arraign them in the name of the soldiers who marched barefoot to secure our blood-

bought liberty; I arraign them in the name of the holy memories of the women of the Revolution, whose pure and gentle hearts were crushed and broken in the great struggle for freedom, independence, and nationality. In the great day of account, the savage Brant and more savage Butler, that deluged the beautiful valley of the Wyoming with blood, will stand up and whiten their crimes in comparison with the perfidy of the men who now attempt to divide and destroy this Union. The ferocious instincts of the savage taught him that he might be doing a duty to his people; but these men were born in a land of civilization, and baptized in the name of the Trinity, and they should be held to account for the abuse of the trust which has been confided to them. Who are these men in arms against the Government—in arms against the Union? They are men who have been educated at its expense—been laden with its honors—been pampered at its treasury. If we perish, we may say with the poet over the stricken eagle:

"Keen were his pangs, yet keener far to feel
He nursed the pinion which impelled the steel;
While the same plumage that had warmed his nest,
Drank the last life-drop of his bleeding breast."

If the Union is stung to the heart, it must be a melancholy reflection that we have reared the men to do it, and like the demented Lear, we shall learn

"How sharper than a serpent's tooth it is
To have a thankless child;"

that we have nourished and brought up children and they have rebelled against the institutions of their country. We have seen by the action of the Border Southern States that it is not their intention to permit this Government to be subverted. *Every crime known in the catalogue of depravity, from treason to larceny, has been committed by the secession leaders, in attempting to drive them into rebellion.* How can these men be sustained by any one; with hands dripping with blood—not only the blood of Northern, but of Southern citizens; and why? Because a Northern candidate was elected to the Presidency for four years, whose election they might have prevented—whose election they connived at—they will hazard a whole country, so far as temporal existence is concerned, to gratify present personal pique and feed a mean ambition. *Whoever sustains them, I will not. Whoever cries peace, I will not. Whoever cries compromise with them, I will not.* I am for peace, but I am for making peace with the loyal citizens of the South—the loyal citizens of Kentucky, and of Missouri, too, who have sent that modern Nebuchadnezzar, Claiborne F. Jackson, to grass. They ask, in repetition, can you coerce a State? I say no; you cannot. You might as well coerce the sun to shine or the stars to twinkle; but you can punish individuals, few or many, who rebel against the Laws and Constitution of the Union. Can you coerce a neighborhood to be honest? No; but you may punish its criminals. The

General Government and the Governments of the several States were designed to be in harmony in the exercise of separate but not inconsistent functions. We, as citizens of our respective States and also of the Union, hold two-fold relations, and, under the admirable division and limitation of powers which characterize our system, owe distinct allegiance to each. The Government of the Union, in its prescribed sphere, is supreme, and there is nothing in the abused and perverted principle of State sovereignty, or within the reach of State action, that can absolve its citizens from their allegiance and the obligations it imposes. No one can, under plea of State authority, justify armed rebellion in opposition to the Union and the Constitution of his country.

But Mr. Lincoln, it is said, forsooth, has violated the Constitution in conducting his administration! Very well; there is a day of reckoning to come with him and his advisers. But it is one thing to violate the Constitution in defence of your country, and quite another to violate it in endeavoring to subvert it. When my democratic or republican friends, "or any other man," are disposed to call the President to account, (and I am not his defender,) I merely beg, when they get through with him, that they will just inquire whether Mr. Jefferson Davis and Co. have gone strictly according to the Constitution of the United States? I have the impression that instituting a pretended Government within the boundaries of the United States; that stealing the treasures of our Government, its ships, arsenals, mints, &c.; betraying its commands; firing upon its fortifications; organizing piracy upon the high seas, and a long list of other and kindred acts—I have the impression, I say, that *these are slight infringements upon the Constitution*, and may require examination. I want to have my Constitutional friends come along with me, and when they get the Administration all regulated and on the Constitutional track, look at this matter a little, for it seems to me that it requires attention. I know not whether Mr. Lincoln has observed the Constitution; indeed, for all the purposes of resisting the rebellion, I care not. It is due to him to say, however, that he has seemed to be, in good faith, attempting to put down the rebellion. *He has not done all things as I would have done them, because I would have multiplied his men by about four, and where he has struck one blow I would have struck a dozen.* Therefore I do not agree with him in that respect. When the day comes we can have a settlement with him, for he is to be held, with all other public officers, to a strict account. But I would not do even that under the smoke of an enemy's guns. Let us see, first, that the rebellion is put down. And when that is done, I am ready to ask how it has been done.

I do not propose to yield this Union, or any part of it, to the so-called Confederate Government that has been made up in the Southern States. It is no government, and there is

nothing in the shape of a government, under it, over it, in it, or around it, either diagonally, horizontally, or perpendicularly. Like a boy's training, it is all officers. It is made up thus: You shall be President of the Congress, and I will be President of the Confederacy; you shall be Minister of Foreign Affairs, and I will be Secretary of the Treasury. Doubtless, very well; satisfactory enough. If they had kept it to themselves, no one would have objected to their strutting in their stolen plumage. But it has arrayed itself against our Union and nationality, and it is time for the people of the United States to *put their hands upon it in earnest*, and to maintain the Government of the Constitution.

The *habeas corpus*—a hard kind of a name for a writ, but one which a lawyer or a Dutchman finds little difficulty in pronouncing—it is said that the *habeas corpus* has been suspended and abused. Well, I think it is because some have written so much about it, while they knew so little. It simply means, "to have the body." A prisoner is alleged to be improperly imprisoned; and, in order that the case may be inquired into, a petition is presented to a judge, and then the judge allows the writ, and the prisoner is brought up, and the person who holds him is bound to make a return. If the prisoner is illegally detained, the judge orders him to be discharged; if rightfully imprisoned, he remands him. That is all there is about it. It is simply a civil writ. But there is an old maxim, as old as Julius Cæsar would have been had he lived, "*inter arma leges silent*"—that is, *the laws are silent in the midst of arms*. Here is the question: An individual is imprisoned; some friend gets out a *habeas corpus*, and he is brought up, and the case is inquired into. And whoever interferes with, or obstructs that writ, is guilty of a great moral and legal wrong, and incurs a heavy penalty. But in time of war it is a different matter. Here it is found that a man is preparing to blow up a fortress, or betray an army to the enemy. The officer in command arrests, and sends him to a fort, with orders that he be strongly guarded, because he is known to be a traitor, and in the confidence of traitors and enemies. A lawyer sues out a writ of *habeas corpus*. But what is the result? It cannot be served, and the prisoner cannot be procured; they cannot see him unless the judge's tongue is longer than the soldier's bayonet. Would any one, if he was commanding at Fortress Monroe, Fort Mifflin, or anywhere else, where he was surrounded with treason and traitors at every step, because a judge sent a writ of *habeas corpus*, give up a traitor who was endangering the safety of his command and the interest of the country? No man can pretend it for a single moment; it is one of the terrible necessities of war. And if I were in command, and had good reason to believe that I had possession of a traitor, and no other remedy would arrest treachery, I would suspend the writ and the individual too. Gen.

Jackson had the hearts of the American people more than any man of modern times. And why? Because he met great necessities like a man. He didn't go, in times of stirring necessity, to demonstrate problems from musty precedents, but when a man wanted hanging, he hung him first and looked up the law afterward. There are times and occasions when this is the only way to do in dealing with treason. The civil law affords no adequate remedy. While you are discussing the question the country may be ruined, the Capitol in flames, the archives destroyed. When the war is over we may examine and see if any one has incurred a penalty for suspending the writ of *habeas corpus*. General Jackson paid his fine, but not till after he had put down both foreign foes and domestic traitors.

So long as there is a citizen South that demands the protection of this Government, it is our duty to protect the Government of the Union for his sake. And when there is none, it is our duty to maintain it; for politically, geographically, socially, and commercially, it is one in every sense; it is utterly impossible for this Government to be divided without utter destruction to both sections. When you attempt to divide the North and the South, you must do it between the East and West. Then all will go to pieces, and our country will be a Mexico—worse than Mexico; because we have ten times more material for mischief and destruction. A military despotism will be inaugurated whenever you permit this rebellion to triumph.

But some cry, We are in favor of peace. Yes, we are all for peace now. I was for negotiating a peace until a fortification was fired upon by rebel artillery, and then I bade adieu to all expectation of peace *until conquered over rebellion*. I say there is *no peace* until you can put down rebellion by force of arms; and when every other man, woman, and child in the United States has acknowledged the independence of the revolted States, to those with arms in their hands, *I will still oppose it*, and I will talk for my own gratification when no others will hear me. We must stand by the Union. Fellow-citizens, the language of Andrew Jackson was: "The Union must and shall be preserved." What would General Jackson have done had he been at the helm to-day? He would have *hung the traitors higher than Haman*. You may make peace with the loyal men of the South, and there is the place to make it. But how will you do it with rebellion? Go with the agreement in one hand and a revolver in the other, and ask the Confederacy to take its choice? If there is any you can deal with, it is the loyal citizens of the South—those that are persecuted for the sake of their Government—those that love the Constitution and are willing to die in its defence, when they are restored to position by conquering rebellion. All should strive together for this good end—men should bare their bosoms in battle; women implore, in

the name of Heaven, that the blessings of the Union may return; and children raise their little hands to curse this rebellion as a ferocious monster, that has come to torment them before their time, and dim with blood and tears the lustre of their bright star.

I believed, when the evening of the last Presidential election had closed down, that I should claim exemption and an honorable discharge from the active discussions of the day. I congratulated myself that I should once more enjoy repose in the quiet of my home and in the pursuit I loved. But this question of government or anarchy has arisen, and I find it my duty to raise my voice at the demands of my fellow-citizens, until turbulence is hushed, or is crowned with triumph. Are you in favor of war? No; but I am in favor of putting down war by force of arms. I am opposed to war *and in favor of obtaining peace by putting down the authors of the war*. I am in favor of peace; but I am in favor of the only course that will insure it—driving out armed rebellion, negotiating with loyalty!

When this country commences to die, it will die rapidly. When this nation is given up to disruption, it will go to swift destruction. Rome, to be sure, was three hundred years dying; but then its physical powers were greater than ours, its moral force less, its nervous energy less acute than ours. When we fall, we shall go down in blood and darkness; but not in tears, for the dying never weep. Nero, the last and worst of the Cæsars, sung to his harp while his capital was in flames; Tamerlane, to signalize his brutal ferocity, reared a monument of seventy thousand human skulls; Attila declared that the grass should never grow where the hoof of his war-horse trod; Hyder Ali left the Carnatic black with ashes and desolation—but he who destroys the American Union will be a greater curse than all or either. And "the foe, the monster Brant," who fell upon and slaughtered the defenceless women and children of this valley, will be more approved in history by men, and be an honest man in the sight of God, than the despoilers of our late happy Union. Shall the fell destroyers of this beautiful fabric be permitted to accomplish their infernal errand, *and shall they be aided in this work of evil by the cry of peace?* Let none escape under this shallow pretension. Solomon, the wise King of Judea, spared not the murderous Joab, though he fled for refuge to inclosures of the Tabernacle, and clung for protection to the horns of the altar—he slew him there. *And a cry of peace, to be negotiated with armed traitors, should secure a city of refuge to none.*

I am pained to contemplate the vast destruction of property that must follow; I regret that the prosperity of the country must for a time be blasted and destroyed; I mourn the great loss of human life that must ensue. But if these events must come, they had better come with a country preserved, than with a country

divided and destroyed. We must fight battles, and bloody battles. We must call vast numbers of men into the field. We must not go as boys to a general training, with ladies, and idlers, and Members of Congress, to see the show, but we must go in earnest—go prepared for action—to fight it as a battle, and not to fight it as a play-spell. *We must unite as a whole people, going shoulder to shoulder.* And when we do so we shall conquer. And why? We have the right, we have the prestige of Government, we have the sympathy of the disinterested world, we have the moral and material elements to do it all, and to insure victory. Rebellion has not the financial ability to stand a long war, with all their gains from privateering and piracy, and issuing Confederate bonds—made a lien upon the property of people who were never consulted as to their issue, and who repudiate them—worth as much as a June frost or a cold wolf-track; which no financier fit to be outside of the lunatic asylum would give a shilling a peck for. They may vex, they may harass, they may destroy, they may commit piracy, but the reckoning is to come for all this. They will be brought to the judgment of the American people—of their own people. They will be arraigned, and who is there will be ready to stand up as their defenders in the name of the Constitution?

"I tell thee, Culloden, dread echoes shall ring,
With blood-hounds that bark for thy fugitive king."

What a glorious Constitution we shall have when it finds such glorious interpreters! How strong our institutions will be, anchored upon such foundations! The Constitution will then literally

"Live through all time, extend through all extent,
Spread undivided, operate unspent."

I know there are some who fear the warlike power of the rebellious States. They had a great deal of rebellion for good; but they have a great deal less than they imagined, or is generally supposed, for evil. We are a good deal slower in waking up, but when waked up we are a good deal more in earnest. The tone of the rebel press is exceedingly braggart in regard to its men and its victories. It reminds me, when I hear of their self-landed prowess, of the showman who spoke of the great capacity of the animal he was exhibiting: "Ladies and gentlemen," said he, "this is the Bengal tiger, measuring fourteen feet from the tip of his nose to the tip of his tail, and fourteen more from the tip of his tail back to the tip of his nose, making, in all, twenty-eight feet." I think their estimates about their forces and capacity are just about as liberal, and they are to be looked at accordingly. Nevertheless, they have great elements of mischief, and if Satan himself had been sent on earth to scourge mankind, and to cover the land with desolation, he could not have performed his mission more successfully than by assuming the shape of a rebel demagogue, and preaching secession.

Now, I have a clear, and well-defined, and distinct theory of what I would do with this matter to attain peace. I do not know that this Government ever can be brought back to where it was before, in the enjoyment of all its relations; but I believe it can be. In population, wave succeeds wave in generations, as wave succeeds wave upon the ocean, and the men of to-day pass away to-morrow. I believe it can be brought back, *not by fostering rebellion; but by treating it as treason, robbery, and murder.* And, if this Government ever can be saved, it must be by a summary chastisement and overthrow of rebellion, so that the loyal people of the Southern States can come forward and administer the Government of those States as before. Who is the missionary that is going with his peace proposition? What is he going to say? What will he say to this party in rebellion? It is a pretty thing to talk about, and for the designing to dupe the North with; it is a very awkward thing to reduce to practice.

If you drive out rebellion, you will have a loyal people South as well as North. Then they will all do what Virginia, and Missouri, and Maryland are trying to do, and what Delaware and Kentucky are doing. Are there any men here who want this Union divided? ("No!") Then do not sympathize with treason in any form of gender, number, person, or case, in any of its ramifications. Hunt it like a ferocious monster wherever you find it. Is there any who wish this matter let alone to perfect the rebellion so causelessly commenced?

"Who would be a traitor knave?
Who would fill a coward's grave?
Who so base as be a slave?
Let him turn and flee.
Who for Union and for Law
Freedom's sword will strongly draw,
Freemen stand or freemen fall,
Let him follow me."

And that is, fight for the Union, the whole Union, and nothing but the Union. *Let every American citizen, instead of crying "peace, peace, when there is no peace," rally upon the ramparts until Secession is silenced—until the roar of artillery has ceased.* Then we shall have peace—enduring, perpetual peace; and as monsters are seldom born of the same generation, we shall have no more of this secession in the present century or the next. This Government is the Government of the American people. It is ours to use, ours to enjoy, but it is not ours to subvert. We are trustees. We are charged with sacred trusts. All we have to do is to bask in the sunshine of its blessings. But cursed be the unholy ambition of that man who attempts to destroy it. I regard him and treat him as a traitor to his kind. God will set a mark upon him too; but it will not be like the mark set upon the first murderer of man—for that was set for safety—but this will be set for destruction. And God grant that it may be so.

It will be time enough to struggle over who shall administer the Government when we are sure we have one to administer. *He who is set*

is against it. I have determined to fight
 at all events, but on no political grounds. I
 stand upon the Constitutional ground of my
 country. There I will stand, and animate my
 countrymen to stand with me, and when once
 we shall have peace restored—when we shall
 have put down rebellion, when we shall have
 secured fidelity, when peace and prosperity
 shall again greet us, then let us see if any part
 of any State is oppressed, if any individual is
 wronged, if any are deprived of their rights;
 and that equal and exact justice is extended to
 all.

This is a great crisis, not only in our affairs
ut in the affairs of human liberty. The Angel
f Freedom, after coursing over the wide ex-
se of waters in the Old World, found no
st for the sole of her foot until she hovered
ere. Here is her resting-place. God of my
thers, Oh, protect her! Let us go forward to
is great work of preservation not merely as
members of political parties, but as American
tizens, bound to carry out the work our fore-
thers began, by the exercise of every energy,
moral and material. Here is our glorious Ship
f State, with its ensigns streaming, its Stars
nd Stripes so redolent of hope, carrying glad-
ness wherever seen by the true-hearted, and
e hail it as the noblest emblem of earth.
eaven bless that noble ship.

"We know what master laid thy keel,
What workman wrought thy ribs of steel,
Who made each mast, and sail, and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat
Were shaped the anchors of thy hope."

Doc. 18.

EXCHANGE OF PRISONERS.

R. BANOROTH'S LETTER ON THE EXCHANGE OF PRISONERS DURING THE AMERICAN WAR OF INDEPENDENCE.

NEW YORK, Feb. 14, 1862.

MY DEAR MR. BRADISH: The interest that attaches to the question of the exchange of prisoners between our loyal armies and the insubordinate men still engaged in hopeless rebellion, has led me to look up the principles adopted by Great Britain in our war of independence. Not that there is any analogy between our war for independence, which was forced upon us by a wrongful policy, and the transient insurrection effected by a few desperate men in the States, which knew the General Government only by its benefits; but George the Third was devoted to the maintenance of the regal authority with an intense bigotry, and by his narrow mind his ancestors were reputed guilty of treason in its worst form. The precedents which he established, may therefore be received as no derogation from his claim to sovereignty, and where they incline to mercy, they may be invoked as worthy of our consideration. To that end, having aside the vast number of papers on international questions, I ask to bring before the

New York Historical Society the few documents which show precisely the rule that was adopted, and to trace it from its source.

On the 13th of August, 1775, Gage, in a letter to Washington, refused to accord to the Americans whom he had taken the rights of prisoners of war, saying, with the insolence which he thought would be acceptable at court:

General Gage to General Washington.

" August 18, 1778.

"Britons, ever preëminent in mercy, have outgone common examples, and overlooked the criminal in the captive. Upon these principles your prisoners, whose lives by the law of the land are destined to the cord, have hitherto been treated with care and kindness, and more comfortably lodged than the king's troops in the hospitals; indiscriminately, it is true, for I acknowledge no rank that is not derived from the king."

But Great Britain was unable to carry on the war with troops levied from her own sons. The ministry entered upon measures for obtaining recruits and mercenaries from Germany; and Sir Joseph Yorke, minister at the Hague, was asked to give his advice on the subject. In his reply, he represented the necessity of adopting a system of exchanges:—

Sir Joseph Yorke to Secretary Weymouth.

"FROM THE HAGUE, September 5, 1775.

“First, as to the procuring Recruits from Germany, I really think that if it is not inconvenient to His Majesty to afford us the necessary assistance in his Electoral Dominions, we may be furnished with recruits to any number, and at a tolerable easy rate. I have been lately engaged in much discussion and enquiry about the practicability of such a plan, at the request of Lord Barrington, and in concert with Gen. Keppel, to whom His Lordship likewise applied, and as he is now upon his return to England, he will be able and willing to give your Lordship all the information possible upon this subject, for he understands it thoroughly.

"Secondly, as to the military force which princes upon the continent may be engaged to supply in the course of the present contest between Great Britain and her colonies,—that is a point of a much more difficult and extensive discussion. I am to take it for granted that such troops so demanded, would be only meant to serve in Europe; for I must beg leave to mention an anecdote, relative to the Hessian Troops in Scotland, in 1745, which was very embarrassing. I mean the difficulty made by them to combat our only enemy, the rebels, for want of a cartel for the exchange of prisoners, a point impossible for us to grant, because we could not treat upon it with rebels, which made the late Duke of Cumberland (while the few who knew it were enjoin'd secrecy) get rid of them as fast as he could, and never attempt to bring them to action. I am afraid, was it ever intended to send such troops to America, we

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should not find them more pliable there than in Europe, and their fears would still be greater, as the objects and the ideas they would give rise to would be all new."

Meantime, the successes of Montgomery in Canada had secured many prisoners of distinction. Congress was anxious for the liberation of Col. Ethan Allen, who had been maltreated, and came, among others, to the following resolutions:—

"December 2, 1775.

"*Resolved*, That an exchange of prisoners will be proper—citizens for citizens, officers for officers of equal rank, and soldier for soldier.

"The Congress being informed that Mr. Ethan Allen, who was taken prisoner near Montreal, is confined in irons on board a vessel in the river St. Lawrence:

"*Resolved*, That General Washington be directed to apply to General Howe on this matter, and desire that he may be exchanged."

In obedience to these resolutions, Washington, on the 18th of December, 1775, wrote to Howe, complaining that Colonel Ethan Allen had been thrown into irons and treated like a felon, and threatening retaliation. To this letter he added the following postscript:

Postscript of a Letter from General Washington to General Howe.

"December 18, 1775.

"If an exchange of prisoners taken on each side in this unnatural contest is agreeable to General Howe, he will please to signify as much to his most obedient, &c."

To this insinuation, Howe at that time returned no answer. On the following day he wrote to Lord George Germain, as follows:

General Howe to Lord George Germain.

"December 19, 1775.

"Mr. Washington commanding the rebel army, presuming upon the number and rank of the prisoners in his possession, has threatened retaliation in point of treatment to any prisoners of theirs in our power, and proposes an exchange, which is a circumstance I shall not answer in positive terms, nor shall I enter upon such a measure without the King's orders."

Before this letter reached England, the question had been decided. Treaties with the king-kings of Germany for mercenary troops having been signed, and numerous recruits having been enlisted at the various recruiting stations which the British Government kept open in the German empire, and the time for the embarkation of the troops having come, Lord George wrote to General Howe:—

Lord George Germain to General Howe.

"February 1, 1776.

"This letter will be intrusted to the care of the commander of His Majesty's ship Greyhound, who will also deliver up to you the officers of the

privateer fitted out by the rebels, under a commission from Congress, and taken by one of Admiral Graves' squadron. The private men have all voluntarily entered themselves on board His Majesty's ships, but the officers having refused so to do, it has been judged fit to send them back to America, for the same obvious reasons that induced the sending back the rebel prisoners, taken in arms, upon the attack of Montreal, in September last.

"It is hoped that the possession of these prisoners will enable you to procure the release of such of His Majesty's officers and loyal subjects as are in the disgraceful situation of being prisoners to the rebels: for although it cannot be that you should enter into any treaty or agreement with rebels for a regular cartel for exchange of prisoners, yet I doubt not but your own discretion will suggest to you the means of effecting such exchange without the King's dignity and honor being committed, or His Majesty's name used in any negotiation for that purpose; and I am the more strongly urged to point out to you the expediency of such a measure, on account of the possible difficulties which may otherwise occur in the case of foreign troops serving in North America. I am, &c."

Howe's letter of the 19th of December, '75, was received by Lord George Germain on the 6th of February; but it required no attention, for it had been fully answered by the letter of the 1st of February.

Meantime, the siege of Boston had been pressed, and Howe was driven out of New England. It was at Halifax that, on the 11th of May, he received the Secretary's letter, directing exchanges of prisoners to be made, and he took it with him to New York harbor.

Soon after the arrival of Lord Howe, General Howe made an overture to Washington, by letter, on the subject of their respective treatment of prisoners; the attempt at a correspondence failed from an error in form; but on the 20th of July, Paterson, his Adjutant-General, formally announced that now Gen. Howe had authority to accede to a proposal of exchanging Governor Skene for Mr. Lovell. As much time had elapsed since the proposal was made, Washington reserved the subject for the decision of Congress.

"July 22, 1776.

"The Congress took into consideration the report of the committee respecting an exchange of prisoners: Whereupon,

"*Resolved*, That the commander-in-chief in each department be empowered to negotiate an exchange of prisoners in the following manner: One continental officer for one of the enemy of equal rank, either in the land or sea service, soldier for soldier, sailor for sailor, and one citizen for another citizen.

"That each State hath a right to make any exchange they think proper, for prisoners taken from them or by them."

"July 24, 1776.

"*Resolved*, That General Washington be empowered to agree to the exchange of Governor Skene for Mr. James Lovell."

Washington sent to Lieutenant-General Howe a letter, July 30, 1776, conforming to these votes; and on the first of August, General Howe, addressing his letter to Washington, in his capacity as General, wrote as follows:—

General Howe to General Washington.

"August 1, 1776.

"Wishing sincerely to give relief to the distresses of all prisoners, I shall readily consent to the mode of exchange which you are pleased to propose, namely, 'Officers for officers of equal rank, soldier for soldier, citizen for citizen,' the choice to be made by the respective commanders for their own officers and men. You must be sensible that deserters cannot be included in this arrangement; and for the mode of exchange in the naval line, I beg leave to refer you to the Admiral."

This is the way in which a system for the exchange of prisoners was established. During the progress of hostilities, various incidental discussions and interruptions took place, as for example: it was questioned whether stragglers were to be considered as prisoners of war; whether exchanges should be immediate after captivity. When Lee was taken, Howe regarded him as a deserter; and in this way exchanges were checked, till the Government directed Lee to be treated as a prisoner of war. When the army of Burgoyne surrendered, a difficulty arose respecting the validity of the convention, unless it should be ratified by the authority of the King; but essentially the rule of proceeding remained unchanged during the war of Independence, as established on the part of Britain by the letter of Lord George Germain, of February 1, 1776.

There is a point in that letter to which I wish particularly to call your attention. In the direction for effecting exchanges, no distinction whatever is made between captives taken on board privateers, and captives taken in battle or in garrison. It even happened, that the first opportunity for entering upon exchanges is stated by the Secretary himself to proceed from the possession of prisoners "taken from a privateer, fitted out by the rebels, under a commission from Congress." Our Government need not fear to be as forbearing as Lord George Germain and George the Third.

But on this subject of privateering, I beg leave to add one single suggestion. "Letters of marque," says Heffter, and there is no better authority, "are a legacy of the middle age and of its system of reprisals," and he regretted that the barbarous practice had not been renounced. By the famous declaration of the 16th of April, 1856, privateering was abolished forever alike by Britain and by France, and so many powers gave their adhesion to the declaration, that, to use the words of Heffter's

translator, "it can henceforward be regarded as the general law of Europe." This being the case, the right of continuing the system can belong only to those powers which were in possession of it when the declaration was made, and which have not acceded to the declaration. It does not follow that a new power coming into existence subsequent to that declaration has a right to resort to the system. The application of this view to our present unhappy domestic strife is obvious. Since the United States have forbore the use of privateers, the privateers of the insurgents ought not to have been admitted at all into the harbors of France or England, or other powers who were parties to the noble declaration of April, 1856.

I remain, my dear Mr. Bradish,

Ever yours, very truly,

GEORGE BANCROFT.

LUTHER BRADISH, LL.D.,

President of the New-York Historical Society.

Doc. 19.

SPEECH OF JOHN S. CARLILE,

DELIVERED IN THE VIRGINIA STATE CONVENTION,
THURSDAY, MARCH 7, 1861.

In the Convention, Mr. Cox, of Chesterfield, submitted the following resolution:

Resolved, That the Committee on Federal Relations be instructed to report, without delay, a plan for a Convention of all the Border Slave States at the earliest practicable day; also, to report on the subject of coercion by the Federal Government of the seceded States.

Mr. Leake moved to amend by striking out all after the word "resolved," and inserting the following:

"That the Committee on Federal Relations be instructed to bring in an ordinance setting forth the following facts and determinations of Virginia in connection with the present threatening aspect of public affairs: That, as Virginia was the foremost to make sacrifices for the Union under the Constitution, so to preserve it, she has practised the greatest self-denials: never seeking or receiving an exclusive benefit, she has never infringed the rights of any State or section: zealous of the integrity of the Constitution, and the equality of the States, she has lived up to the obligations imposed upon her by the Federal compact. That on the other hand, the Northern section has disregarded many of its obligations, and attempted to set aside some of the compromises made between the two great sections of the Confederacy, without which no union could ever have been formed; hatred has been substituted for that fraternity upon which these compromises rested for vitality; and power is claimed for a sectional majority utterly at war with the spirit and letter of the compact, and subversive of our safety, our well-being, and our rights. Equality of rights in the enjoyment of the common property is denied us, aggressions

are made upon our soil, the powers of a common Government are claimed as the lawful means for our oppression, and the hedging in our rights. All this opposition to our civilization, all this hatred of our domestic institutions, and all this enmity to our peace, are banded together in the formation and upholding of a great sectional party, that has elected a President upon the principle of avowed hostility to the institutions of the South, and upon the pledge to use the powers of the Government for their ultimate extinguishment, forgetful that the Union was formed for 'establishing justice and ensuring domestic tranquillity.' These violations of the integrity of the compact have given rise to other great evils now impending over us, which menace the first principles, the very foundations of free institutions, and which threaten the overthrow of the rights of sovereign States. They have given rise to the claim of right upon the part of sovereign States in one section to coerce sovereign States of another section into a union to which they will not assent, and to the assertion of the doctrine that resistance to violations of the terms of our Federal compact, is treason to the claims of a sectional majority; and which have led to the armed occupation of the seat of the common Government by an armed force, with friendly purposes toward the one section, with hostile feelings toward the other; and which, too, have led the authorities at Washington to make the fortresses of Virginia to frown upon her, while she was showing a determination to exhaust all the resources of conciliation and compromise. These outrages of a sectional majority have broken the Constitution, driven seven States out of the Union, dissolved the Union of our fathers, and is now substituting another Union in its place. Virginia is no party to any such new Union; and she demands a reconstruction to secure her and the whole South from any future outrage. In this reconstruction she ought to stand with the South, in the assertion of her rights, and she ought to occupy no position in connection with the North, in the state of things brought about by Northern aggressions, which would cripple her power for her own defence, and prevent her from aiding in maintaining the rights and the equality of all the States. And that the said committee especially set forth the fact, that in consequence of the secession of Southern States, and the hopeless condition of New England fanaticism, the blind hate of Black Republicanism, and the coercive policy indicated by the President of a dismembered Union, there is no hope of an amendment of the Constitution that can be satisfactory to Virginia, in the constitutional way, and that the only mode, in the circumstances which now surround us, to secure any Union, in which the rights of Virginia would be safe and protected, is for Virginia to reassume all the powers she delegated to the Federal Government, and to declare her independence; and then to call into a Convention

Scr. Doc. 6

all the slaveholding States, to determine what shall be the new construction necessary for their rights and protection in a confederacy of slave States alone, or of the slave States and such free States as are willing to come into a Union under this new construction with the slave States."

Mr. Harvie moved to amend the amendment by striking out all after the word "instructed," and inserting the following—"to report forthwith the following:"

Whereas, it is now plain that it is the purpose of the Chief Executive of the United States to plunge the country into civil war by using the power "to hold, occupy, and possess the property and places belonging to the Government, and to collect the duties on imports," in all the States, as well those that have withdrawn from as those that have remained in the Union; and, whereas, the State of Virginia will resist such exercise of power with all her means; therefore, be it

Resolved, That the Legislature of the State be requested to make all needful appropriations of means, and provide the necessary forces; to resist and repel any attempt on the part of the Federal authorities to "hold, occupy, and possess the property and places" of the United States in any of the States that have withdrawn from the Union, or to collect the duties on imports in the same.

Mr. Carlile spoke on these resolutions as follows:

Mr. President, in this the hour of our country's peril, when the strength of our system of Government is being severely tested, I should be slow to believe that any but patriotic emotions could influence the members of this body. Candor and frankness, therefore, should characterize our discussions, and a love of country alone should influence our deliberations. In this spirit I enter upon this discussion.

The resolutions before the Convention are designed, and if adopted will have the effect, to place Virginia in hostility to the Federal Government, which Federal Government is Virginia's Government. In other words, to commit Virginia to a war against herself, and to connect her with the Cotton States, so as to share with them the disastrous consequences that may flow from the rebellious attitude assumed for them and in their name, by the men who for the time have the control of their respective State Governments. Mark it well, Mr. President; note it, gentlemen of the Convention; look to it, ye people of Virginia—it is the purpose of those who are pressing with such eagerness and such earnestness upon this body these resolutions, if they can have them adopted here, never, never to allow the people to pass upon them.

And, sir, it is not any thing in the inaugural address of the President of the United States that has induced the submission of these resolutions at this time. I grant, sir, that the de-

livery of that address and its appearance has been made the occasion, as the election of the man was made the occasion, by the Cotton States, to discover their connection, so far as they can do it, from the rest of the United States. I will here remark, Mr. President, that every movement that has been made in the State of Virginia, looking to secession, has been in exact conformity to the programme laid down by the *Richmond Enquirer*. In October last, before the election, the editors of that paper advised the Cotton States immediately and separately to secede, and stated that they would inevitably drag Virginia after them. This is the sentiment of gentlemen who profess an ardent love for a mother Commonwealth—she who has been accustomed to give law to the States of this Confederacy; it is an exhibition of their fondness for her, to place her in a condition to be dragged at the heel of the Cotton States of this Confederacy.

I have said that the appearance of the inaugural address of the President has been merely seized upon as the occasion for the submission of these resolutions, and the eloquent declamation to which we have listened day after day, during the present week, has been but in compliance with the programme “to fire the Southern heart,” to induce members of this body, if possible, to forget that they had a constituency behind them to whom they were responsible—not responsible to those who get up meetings in the streets of this city, and call for reports from Peace Commissioners to be made to them. On the 19th day of February, more than two weeks before the inaugural address appeared, the programme was laid down and published in the *Richmond Enquirer*, as follows:

“Aye, the Convention now assembled in this city, can, in one day, in one hour, take action which cannot fail to restore our Union, maintain our honor, and preserve an honorable peace in the Union.

“This can be done by a single ordinance—by an ordinance which will not require even reference to the people under the prescribed terms of the legislative act and the late popular vote—by an ordinance which will involve neither secession nor nullification; and comprehending only such action as a State may take in the Union, and in strict conformity with the letter itself of the Constitution of the United States.

“Let the Convention command the confidence of all the Southern States by declaring the fixed intention of Virginia to resist all attempts to coerce a Southern State; let it command the full sympathy of the Southern States by declaring that if separation shall prove final and irremediable, Virginia will cast her lot with that of her Southern sisters.”

This is the programme of the editors of that paper. Without having the pleasure of a personal acquaintance with them, I have the same respect for any opinion they might give, that I would have for the opinions of any three re-

spectable gentlemen and no more; so far as the cracking of their whip over my back is concerned, it will affect my action just as much as the cracking of any other three gentlemen's whips over my back might affect it and no more.

Let us look again, and see if we cannot take another peep into the programme. Mr. President, I have listened in a body representing the sovereignty of my native Commonwealth to appeals made to my fears, and through me to the fears of the people, to induce us to do that which gentlemen must suppose that if we were not influenced by fear, could not command the approbation of our judgments. We are urged to adopt these resolutions, “to save Virginia from civil war.” Oh, but a tear will course down my cheek, when the fact is made patent to my mind that my mother Commonwealth is to be driven into a course of conduct which her judgment does not approve, by appeals to her fears! That those who are the authors of this plan, and in the carrying out of whose programme these resolutions have been offered, care very little about civil war, we will find in that paper of the 4th March, 1861, clothed in mourning. “EXPULSION OF THE INVADERS AT ONCE;” that is the heading of the editorial. I shall not detain the Convention by reading the whole of it; I will simply call the attention of the Convention to the last sentence:

“Let the Confederate States once appeal to arms for resistance to invasion, and the submissionist programme loses its last prop on the Border States.”

That is what those gentlemen say in that editorial. They understand their programme well. I have no doubt of it. But they will never be able to succeed in carrying it out and accomplishing their purpose.

Mr. President, how different is the *Enquirer* of 1860-61 from the *Enquirer* of 1858! Will any gentleman explain to me what has produced this change which has come over the spirit of its dreams? Every thing in the Federal and State Governments is precisely where it was in 1858, with the solitary exception of Mr. Lincoln as President of the United States, and the going out of Mr. Buchanan, who has held that position for the last four years. Every personal liberty bill that is or has been upon the statute books of any of the non-slaveholding States was there in 1858. The same anti-slavery sentiment, the same sentiment of hostility to the institution of African slavery existed in 1858 as much as it exists in 1861. And yet that *Enquirer* speaks differently, and in a different tone.

In its issue of July 23, 1858, it says:

“The shrill-tongued faction which has dinned in our ears so unmercifully with the cry of disunion, is composed of three distinct classes: Of these the first is by far the most respectable—it consists of Simon Pure disunionists, who are laboring honestly and openly for a dissolution of the Union. The second is made up of

men whose real object is disunion, but who cloak it under flimsy pretences and disguises. The third set are no disunionists at all, but a mere band of malcontents, disappointed in their political aspirations, who require a thorough disorganization and reorganization of parties to offer opportunity for their own elevation to power, and find no scheme so available as that of exciting sectional and factionary differences among the members of the only remaining national party."

Now, Mr. President, I shall not detain this Convention by attempting further proofs of the remarks I have made in relation to these resolutions. I think it will plainly appear that the resolutions were determined upon before the inaugural address was delivered; that the appearance of that inaugural has only been seized upon as the occasion, with the hope that, in the excitement which gentlemen could get up in opposition to that inaugural, they might possibly succeed in passing through this body these resolutions, thus carrying out the programme by which the people, who sent us here and who were induced to believe that all or any action of this body would first have to pass their supervision before it would receive the authority of law, are to be deprived of the privilege of passing upon our action here, and a clash of arms is to be brought on by the Confederate States; and Virginia, having been induced to take this position, thus recommended to her by these gentlemen of the *Enquirer*, she is to be committed without consulting her people, by the action of her advisory representatives, for you are nothing more, to all the horrors of civil war; not alone to share, as I said, with the Cotton States, but to stand here and receive the shock for their benefit.

Mr. President, what are we called upon to do? Let us examine these resolutions? Let us see what gentlemen expect of this Convention? To make war upon the Constitution of our own country; to destroy our own Government, the work of our own revolutionary fathers; and, if I may be allowed to cite authority which I presume will be respected by this Convention, not alone their work. I will read, sir, from an address delivered a little more than two years ago, by a distinguished gentleman, who, at that time, occupied the Chair of State in Virginia. It was delivered at a time when the remains of one of Virginia's distinguished sons—President Monroe—had been brought to her own capital, by the Seventh regiment of New York—that New York which these gentlemen would have to be a foreign Government to Virginia. On that occasion the Governor of Virginia said:

"Look to the formation of the Constitution after the articles of Federation had been signed. When your fathers attempted to form this Union, they did not calculate what sort of a Union it was to be. They agreed upon a Union for Union's sake, and, *by all the gods*, I, too, go for the Union for the Union's sake! (Tremen-

dous applause.) They went to work for the best Union they could make, and they did give us the best Union and the best Government the world ever saw. (Renewed applause.) But, Jefferson did not make it, nor Madison, or his co-laborers make it. GOD ALMIGHTY MADE IT. It was the work of inspiration. I believe that, as I believe in the Bible."

That is the language of a patriot and a distinguished gentleman, but two years ago, when he was your Governor.

I will invoke again the same distinguished authority, at a later period, in behalf of the Constitution and the Union of my country. Governor Wise delivered an address in this city, in May, 1859, in which he said:

"And if any would array this country's parts against each other in sectional division and strife, let them have no inheritance in the whole—the grand, great whole; but let them selfishly have a single, small place for their safe keeping, a home made for treason, felony, or mania, a prison, or a mad-house.

"They cannot destroy the Union without destroying States and homes, and they cannot destroy homes and States without destroying the Union. By strengthening each part we fortify the whole, and by fortifying the whole we protect each part. Each and all is ours; each and all belongs to all equally and alike; in the part and in the whole all citizens are seized; all, North and South, East and West, white and black, native and naturalized, bond and free, happy here as never men were happy elsewhere on earth, may say, for the whole Union of these States, as this toast says for the blessed mother of States:

" 'Breathes there a man with soul so dead,
Who never to himself hath said,
This is my own, my native land?'

"I give you the Union and the Constitution of the United States, *as they are*—the country, the whole country—'my own, my native land,' *as it is.*"

Now, in less than two years we are called upon to turn our back upon this our native land, and to pledge ourselves either to States in actual rebellion against the Government, or to foreign powers, in whichever light you choose to view the position assumed by the seceding States; and I would respectfully commend to the gentleman from Bedford (Mr. Goggin) and from Halifax (Mr. Flournoy) the fact that if we follow their advice, we either place ourselves in actual rebellion against our native land, or give aid to foreign governments in a war against our own country; for, if the seceding States are out of the Union, they are a foreign and hostile power; if in the Union, they are in a state of rebellion. And Virginia is to do this to-day, what she was not required to do one week ago, because of the appearance of Mr. Lincoln's inaugural address. Ah! Will Virginia do this thing? Why, sir, I suppose if these gentlemen expected to have been satisfied with Mr. Lincoln's inaugural address, they

would not have opposed him so bitterly as they did. And here, in the midst of the assembled representatives of Virginia, I declare, on my own responsibility, as a man and a Virginian, that I am agreeably disappointed in the pacific tone that breathes through the whole of that inaugural address. Sir, it is fortunate for the people of Virginia that they will read that address for themselves, but I will call particular attention to what Mr. Lincoln says upon the subject which now concerns us all:

"The Chief Magistrate derives all his authority from the people, and they have conferred none upon him to fix terms for the separation of the States. The people themselves can do this also if they choose, but the Executive, as such, has nothing to do with it. His duty is to administer the present Government as it came to his hands, and to transmit it unimpaired by him to his successor.

"Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world? In our present difficulties is either party without faith of being in the right? If the Almighty Ruler of Nations, with His eternal truth and justice be on your side of the North, or on yours of the South—that truth and that justice will surely prevail, by the judgment of this great tribunal—the American people.

"By the frame of the Government under which we live, this same people have wisely given their public servants but little power to do mischief, and have, with equal wisdom, provided for the return of that little to their own hands at very short intervals. While the people retain their virtue and vigilance, no Administration, by any extreme of wickedness or folly, can very seriously injure the Government in the short space of four years.

"My countrymen, one and all, think calmly and well upon this whole subject. Nothing valuable can be lost by taking time. If there be an object to *hurry* any of you in hot haste to a step which you would never take *deliberately*, that object will be frustrated by taking time, but no good object can be frustrated by it. Such of you as are now dissatisfied still have the old Constitution unimpaired; and, on the sensitive point, the laws of your own framing under it; while the new Administration will have no immediate power, if it would, to change either. If it were admitted that you who are dissatisfied held the right in the dispute, there still is no single good reason for precipitate action. Intelligence, patriotism, Christianity, and a firm reliance on Him who has never yet forsaken this favored land, are still competent to adjust, in the best way, all our present difficulties.

"In *your* hands, my dissatisfied fellow-countrymen, and not in *mine*, is the momentous issue of civil war. The Government will not assail *you*.

"You can have no conflict without being yourselves the aggressors. You have no oath

registered in Heaven to destroy the Government, while I shall have the most solemn one to 'preserve, protect, and defend it. I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battle-field and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of their nature."

Now sir, in order that the attention of the people, which may not have been specially directed to what Mr. Buchanan said in his last annual message upon the same subject, may be called to it now, I read what Mr. Buchanan said in his annual message to Congress in December last:

"The same insuperable obstacles do not lie in the way of executing the laws for the collection of the customs. The revenue still continues to be collected, as heretofore, at the Custom-House in Charleston; and should the Collector unfortunately resign, a successor may be appointed to perform this duty.

"Then in regard to the property of the United States in South Carolina: This has been purchased for a fair equivalent, 'by the consent of the Legislature of the State,' for the erection of forts, magazines, arsenals, &c., and over these the authority 'to exercise exclusive legislation' has been expressly granted by the Constitution to Congress. It is not believed that any attempt will be made to expel the United States from this property by force; but if in this I should prove to be mistaken, the officer in command of the forts has orders to act strictly on the defensive. In such a contingency, the responsibility for consequences would rightfully rest upon the heads of the assailants.

"Apart from the execution of the laws, so far as this may be practicable, the Executive has no authority to decide what shall be the relations between the Federal Government and South Carolina. He has been invested with no such discretion. He possesses no power to change the relations heretofore existing between them, much less to acknowledge the independence of that State. This would be to invest a mere Executive officer with the power of recognizing the dissolution of the Confederacy among our thirty-three sovereign States. It bears no resemblance to the recognition of a foreign *de facto* Government, involving no such responsibility. Any attempt to do this would, on his part, be a naked act of usurpation."

That is the language of President Buchanan, in December last, looking to this action on the part of South Carolina. And it is because Mr. Lincoln has not been guilty of this usurpation—which would have been a mere nullity—of recognizing the independence of these States

which are now in rebellion against our own Government, that he is to be denounced, and that we are with hot haste to pledge ourselves to become a party to this effort at self-murder.

What less could Mr. Lincoln have said? I am not here as his defender or his apologist. God knows, if there is a man in the land who regrets his existence and the existence of his party more than I do, I know him not. But I am a Virginian, born and raised in the State, never having lived out of it, and not expecting to die out of it. I have too much Virginian blood in my veins to do the slightest injustice to the meanest reptile that crawls. Mr. Lincoln dare not recognize these ordinances of secession, by which these States say they have severed the tie that bound them to the rest of the States of the Union. And I cannot, for the life of me, reconcile the opinions avowed by the distinguished gentleman from Bedford, (Mr. Goggin,) denying the right of secession, but yet recognizing it as a duty on the part of Virginia, to give her aid, and to spill her blood, if necessary, and expend her money, and appropriate her men, in defence of those who have done that which, if they have not the right of secession, is evidently an illegal act.

I had thought that the gentleman from Bedford (Mr. Goggin) was a member of the successful party in the State of Virginia at the late presidential election. I thought he rang the Bell where Everett went. If I mistake not, he was on a certain committee who reported the platform upon which that party stood.

Mr. Goggin, of Bedford: I was a member of the Convention, not of the Committee.

Mr. Carlile: Well, then, a member of the Convention, and of course he endorsed the platform of his party, which was "the Union, the Constitution, and the enforcement of the laws" against all resistance, either at home or abroad. Here is the resolution in their platform to which I refer:

"Resolved, That it is the part both of patriotism and duty to recognize no political principle other than *the Constitution of the country, the Union of the States, and the enforcement of the laws*, and that, as representatives of the constitutional Union men of the country, in National Convention assembled, we hereby pledge ourselves to maintain, protect, and defend, separately and unitedly, these great principles of public liberty and national safety against all enemies, at home and abroad, believing that thereby peace may once more be restored to the country, the rights of the people and of the States reestablished, and the Government again placed in that condition of justice, fraternity, and equality which, under the example and Constitution of our fathers, has solemnly bound every citizen of the United States to maintain a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the gen-

eral welfare, and secure the blessings of liberty to ourselves and our posterity."

I would inquire if the gentleman from Halifax (Mr. Flournoy) stood upon that platform? I merely inquire, sir, very respectfully, and the gentleman need not answer, unless it is agreeable to him to do so.

Mr. Flournoy: I nodded my head as an answer in the affirmative; I did not think it was necessary to rise and answer the gentleman in a more definite manner.

Mr. Carlile: Well, sir, what Union was it you had to preserve? What Constitution were you to protect and defend? And what laws were you to enforce? Did you not unite with me, and with the whole South, in doing homage to Mr. Fillmore? Did we not call him the Model President? And why did he deserve that name? Because at the point of the bayonet, in the streets of Boston, with the army of the country, he enforced the laws against those who were disposed to resist them. And now, when the laws are to be enforced on this side the line, Virginia is to pledge herself to resist their execution.

But not only by those who deny the right of secession, but by those who advocate the right of secession, are we to be dragged into a committal of the people of Virginia, without their being consulted upon it, to a policy which unites our fortunes with those who condemn the laws of the country, and despise and set at naught its authority. The people I have the honor to represent upon this floor are a brave, and a gallant, and a law-abiding people, and you may travel where you will—North, South, East, or West—and a more honorable, or a more intelligent people are not to be found on the face of God's green earth; a more loyal people to the soil of their birth are nowhere to be found; a people devoted to the institution of slavery, not because of their pecuniary interest in it, but because it is an institution of the State; and they have been educated to believe in the sentiment uttered by the gentleman from Halifax, the other day, and which I cordially endorse, "that African slavery, as it exists in the Southern States, is essential to American liberty."

The people that I have the honor in part to represent, have not been seized with this frenzied madness which has seized our friends in other parts of the Commonwealth, to induce them—brave and gallant though they be—to adopt a cowardly—I use this language because I have no other, for I have never been inside a school-house to learn since I was fourteen years of age—to adopt a cowardly course, to run away and give up all their inheritance in this great country, because of our own divisions we allowed about one-third of the voters of the Union, numbering a little more than one-half of the votes in the non-slaveholding States to succeed in elevating to the presidency of the United States, one who is objectionable to us. Sir, we

know we have the protection of our common Constitution; we know that that flag is ours, we know that the army is ours: we know that the navy is ours; we know that in any battle in defence of our rights, fifteen hundred thousand gallant voters in the non-slaveholding States will rush to our assistance, and under the Stars and Stripes will hurl from power any and all who dare to take advantage of the position they have obtained to our injury or oppression. We cannot reconcile secession with our notions of Virginia's chivalry and Virginia's courage. But we know, Mr. President—and no man upon this floor has denied it—that this Government we are called upon to destroy has never brought us any thing but good. No injury has it ever inflicted upon us. No act has ever been put upon the statute book of our common country, interfering with the institution of slavery in any shape, manner or form, that was not put there by and with the consent of the slaveholding States of this Union. As I remarked upon a former occasion, in this Convention, when we did put an act there, when we drew the line of demarkation across the common territory that belonged to us, and claimed it as a Southern triumph, we were saved from its injustice by the act of the Federal Government; and yet we are now called upon, in hot haste, to destroy the Government that shielded us from the injurious consequences of our own mistaken conduct. It did so by declaring that act of ours a nullity, and guaranteed to us the right to go to any and all the territories of this Union with our slave property, if we desired to do it. That is the Government which we are called upon to destroy—a Government which protects us even against our mistakes—a Government which has quadrupled the area of slave territory since it had an existence—a Government in which we have to-day the right to make four more slave States, if we had either the whites or negroes to occupy them; but we have neither—and it is because we have neither that we do not have to-day nineteen slave States in the Union. We have had the right to occupy them ever since 1845; and yet we want expansion in Northern latitudes, where all the legislation and stimulants on earth could not keep the negro for a week, even if we were to take him there. This question of African slavery is regulated by climate, by soil, by products, and by interest.

But, Mr. President, we have heard a great deal here about equal rights—that's the expression, I believe. I never heard it specified what the rights were. We have heard a great deal about "rights," but very little about "duties." "Rights" are in every man's mouth—"duties" are never alluded to. "Rights" are to be enjoyed; "duties" are to be performed. But it is not because of any denial of right on the part of the Federal Government to allow us to carry our slaves into the territories of this Union, that this Union is sought to be destroyed. South Carolina scorns to place it

upon any such ground. It is only used here, and reference is made to personal liberty bills here, not because of the injury inflicted by these bills, but it is because these gentlemen may obtain the motive power which is necessary to enable them to accomplish their disunion ends. If it were resistance to the fugitive slave law; if it were the passage of the personal liberty bills that they considered as just cause for the dissolution of this Union, would South Carolina, which never lost a runaway slave, have inaugurated the movement of secession? Is Virginia so dull, is she so stupid, is she so lost to all her ancient fame, that she will consent to remain in the Union disgraced and dishonored, not knowing that she was so disgraced and dishonored until South Carolina advises her to that effect? Is that the position in which gentlemen would place us?

This movement originated in South Carolina, where they never lost a slave, precisely as most of these personal liberty bills are found in the statute books of such of the New England and Western States as never saw a runaway slave. Now, sir, South Carolina tells you boldly and frankly, as Mr. Preston, her ambassador, told you in this hall the other day, that it was not for that, but because of the irrepressible conflict that exists between free and slave labor.

Is it not strange, is it not remarkable that we get all our doctrines of secession, of irrepressible conflict from these Yankees, whom we love to abuse?

Where did this doctrine of the right of a State to secede originate? In the hot-bed of all the *isms*—Massachusetts. In 1807, because of the embargo, citizens of Massachusetts and other New England States resolved that they had the right to secede. Let us see how that doctrine was treated in Virginia. In 1808 the Presidential Electors of Virginia met in this city and cast their votes for Mr. Madison as President, and as successor to Jefferson. A dinner was given to the Electors upon that occasion. Spencer Roane was President and Robt. Taylor Vice-President. P. N. Nicholas, Attorney-General; Peyton Randolph, John Preston, Thomas Ritchie, and many others of the most distinguished statesmen of Virginia, sat down to that dinner.

One of the regular toasts—the 14th I believe—was, "*The Union of the States; the majority must govern; it is treason to secede.*"

But, sir, that doctrine was still agitated to a later period in these New England States. The *Richmond Enquirer* of 1814 held the following language:

"No man, no association of men, no State, or set of States, has a right to withdraw itself from this Union of its own account. The same power which knit us together can unknit. The same formality which formed the links of the Union is necessary to dissolve it. The majority of States which formed the Union must consent to the withdrawal of any one branch of it.

Until that consent has been obtained, any attempt to dissolve the Union or distract the efficacy of its constitutional law, is treason—treason to all intents and purposes.”

The authority of Mr. Madison has been invoked in favor of this right to secede. I will not detain the Convention now by reading the many letters which Mr. Madison wrote upon that subject. I will merely refer to them, taking care, however, that they shall accompany the publication of my remarks. First, in his letter to Mr. Trist; second, in his letter to Mr. Cabell; third, in his letter to Mr. Everett; and again, in his letter to Mr. Webster; he put his heel upon this poisonous doctrine of secession.

I have been surprised—no, I will not say surprised—I have been struck with the adroitness on the part of the secessionists in this body in evading an express declaration that they believe in the right of secession. They will not stop to discuss the right of secession. It is one of the most adroit ways in which they could get around it; for if they were to stop and discuss the right of a State to secede from this Union, and should fail to satisfy the people of Virginia that in the exercise of this power of withdrawal from the Union they were acting rightfully and legally, they would be very apt to pause long before they would exercise it; for the people of Virginia are not only a brave and gallant, but they are a moral people; and, sir, if they are not satisfied of the morality of an act, they never, never will join you in its exercise. They are a law-abiding, a Constitution-loving people; and before you can get them to go with you for an ordinance of secession, or for resolutions pledging them to a course of policy which will bring about the same result that an ordinance of secession will bring about, you must first convince them of the morality and legality of the act.

Now, sir, how will you attempt, at this day and at this hour, to maintain before the people of Virginia the rightfulness of secession? Astute, learned, and great as you may be, you are not astute, learned, and great enough for that. Its absurdity is too palpable ever to be maintained successfully before a Virginia people. Mr. Calhoun never contended for it. Mr. Calhoun never advocated it in the discussion of what we call the Force Bill, in 1833; and when Mr. Rives, the then United States Senator from Virginia, intimated in his argument that Mr. Calhoun held to such a right, he interrupted him in the course of his argument, and expressly said that the exercise of such a right would be a breach of the compact and a violation of faith. And South Carolina herself, through her highest judicial tribunal, the Court of Appeals, has expressly repudiated it in a case brought before it by mandamus, sued out at the instance of a gentleman by the name of McCready. This case occurred in 1834, after their ordinance had been adopted. Mr. McCready refused to take the oath prescribed for the militia officers of that State by the Conven-

tion that adopted the ordinance, and he applied to a judge for a mandamus to compel the proper party to issue his commission, he having taken the original oath as prescribed by South Carolina prior to the adoption of the ordinance. The matter went up to the Court of Appeals, and that court expressly denied the legality and constitutionality of the ordinance, and instructed the proper party to issue his commission. I give the decision:

A Convention was called by South Carolina in November, 1832. In March, 1833, it passed an ordinance to nullify the act of Congress called the Force Bill, one clause of which ordinance read as follows: “We do ordain and declare that the allegiance of citizens of this State while they continue such is due to the said State, and that *obedience* only and *allegiance* is due by them to any other power and authority to whom the control over them has been delegated by the State.” The Legislature followed up this ordinance by the act of December, 1833, which enacted, “that every officer of the militia hereafter elected shall take the following oath: I, A. B., do solemnly swear that I will be faithful, and true allegiance bear to the State of South Carolina.” This oath was tendered by Col. Hunt, of the Fourth Brigade, to Ed. McCready, a lieutenant elect of Washington Light Infantry. McCready declined it, went before a magistrate and took the oath prescribed by the fourth article of the Constitution of South Carolina to all persons chosen or appointed to any office, and applied to Mr. Justice Bay for a mandamus to direct Col. Hunt to issue his commission. The case was brought by appeal before the Court of Appeals of South Carolina in March, 1834, and argued by eight of the ablest counsel of the State. All the talent and influence of the party which formed five-sevenths of the State were brought to bear in favor of “the South Carolina doctrines,” which stood or fell with this case. But in vain. South Carolinian judges, paid and appointed by the State, with all the warm State partialities which distinguish her sons, decided against the South Carolina doctrines, with their corollaries of nullification and secession.

In delivering the judgment of the court in favor of the mandamus, Justice O’Neill said:

“Treason is a violation of the tie of allegiance. What says the Constitution of the United States in relation to it? It is defined to consist in levying against the United States or in adhering to their enemies, giving them aid and comfort.” If the Government of the United States (as we familiarly call it, and I think it really is) is no government, but is a mere agency, it is strange that treason can be committed against it. Who ever heard of treason being committed against the subordinate parts of a Government. It is one of the essential attributes of sovereignty to punish for treason.

* * * * *

When the officer swears to preserve, protect,

and defend the Constitution of this State and of the United States, is he not sworn to be faithful, and true allegiance bear to the Government of the United States? It is impossible that it should have any other sense; for any act which was intended to be the overthrow of either constitutional government would be the violation of the constitutional oath. * * * The power of amendment of the Constitution by three-fourths of the States has been by more than one great name in South Carolina held up as the ultimate sovereignty to which allegiance was due. I think there is no duty, no allegiance, to any such ultimate right. But it shows, however, that a government which can be amended against our will, and which will then operate directly upon us, is something more than an agency; and that it has high sovereign powers to which obedience must be yielded. We have been told in the progress of this argument that the Government of the United States was a mere league between co-States: in other words, that the spirit of the old Confederation exists in the Federal Constitution, although the former has been superseded and abolished by the latter. We must live in an age of political wonders and miracles, if not natural ones. I confess that I heard with astonishment the old Confederation lauded as the best Government in the world, when I had regarded it as settled and given up fifty years ago, as a matter of history, that it was an impracticable Government.

"It seems to me perfectly clear that the government created by the Federal Constitution is, strictly speaking, a government of the people. It is a government: for within its prescribed constitutional limits it acts upon the people, and enforces against them its laws through its own judiciary or that of each State. Within its own constitutional limits it is absolute and supreme."

"By the second section of the sixth article of the Constitution of the United States it is declared that 'this Constitution and the laws of the United States, which shall be made in pursuance thereof, &c., shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State notwithstanding.'" Does not this supremacy of constitutional law necessarily make the Government of the United States as much the Government of the people of this State as her own immediate Government? It is too clear to admit of argument that it does. What is the necessary consequence? Is a Government possessing such great powers without any tie of obedience or allegiance between it and its citizens? Can it be that in time of war a citizen soldier would be allowed to refuse to shoulder his musket and say I owe you no allegiance, I will wait until my own State has bade me fight? Could he say I will assist your enemies, and you dare not punish me for treason, because South Carolina has not defined it? These ques-

tions must have an affirmative answer, or we do owe allegiance to our Government, not *our* agency, under the Federal Constitution."

The presiding Justice, the Hon. David Johnson, said:

"The people have organized a government, clothed with all the powers that are necessary to protect the citizen in the enjoyment of all his rights, privileges, and immunities. It is that government which does protect the citizen, and to that government the allegiance of the citizen is due. If that had been a simple government intended for the State alone, and confided to the administration of agents appointed by the State, and responsible to the State alone, no proposition could be more certain than that the citizen would owe allegiance exclusively to that government. But many of the powers of government, and those of the greatest importance, have been confided by the people to the Government of the United States, whose agents are not appointed by nor responsible to the State, except in common with the other States, and to that Government is confided the preservation of many of the dearest rights of the citizen, and amongst these may be mentioned the guarantee of the Constitution of the United States, which secures to each State a republican form of government. The Government of the United States has also the right to require of the citizen to contribute of his wealth to its support, and to serve in its armies. That Government is, to all intents and purposes, as much the Government of the people of South Carolina as the State Government. They have both received their sanction, and they have consented to be bound by them, and if the conclusions of logic can be confided in, for the same reasons that they owe allegiance to the State Government, they owe it to the Government of the United States. Sophistry may confuse the subject, but this must be the conclusion whenever the unerring test of truth shall be applied."

Furthermore, South Carolina, through her Legislature, expressly repudiated any such right. You will find it in a report, adopted by South Carolina in December, 1828, said to have been written by Mr. Calhoun himself:

"Our system, then, consists of two distinct and independent sovereignties. The general powers conferred on the General Government are subject to its sole and exclusive control, and the States cannot, without violating the Constitution, interpose their authority to check or in any manner counteract its movements, so long as they are confined to its proper sphere; so, also, the peculiar and local powers reserved to the States are subject to their exclusive control, nor can the General Government interfere with them without, on its part, also violating the Constitution. In order to have a full and clear conception of our institutions, it will be proper to remark that there is in our system a striking distinction between the Government and the sovereign power. Whatever may be

the true doctrine in regard to the sovereignty of the States individually, it is unquestionably clear that, while the Government of the Union is vested in its legislative, executive, and judicial departments, the actual sovereign power resides in the several States, who created it in their separate and distinct political character. But by an express provision of the Constitution, it may be amended or changed by three-fourths of the States; and each State, by assenting to the Constitution with this provision, has surrendered its original rights as a sovereign, which made its individual consent necessary to any change in its political condition, and has placed this important power in the hands of three-fourths of the States, in which the sovereignty of the Union, under the Constitution, does now actually reside."

Sir, if that be true, if Mr. Calhoun be authority with these gentlemen, I ask you, how it is they can defend the right of a State to secede, when, by virtue of his own doctrines, if three-fourths of the States of this Union against the unanimously expressed opinion of the other one-fourth should adopt a constitutional provision, it is the duty of that one-fourth to abide by it and to recognize it? The very provision for the amendment of the Constitution, provided in the instrument itself, at a glance shows the absurdity of the doctrine of secession.

But, we are told, although these States have no right to secede, although they do themselves that which is not lawful, constitutional, or legal, yet Virginia, law-loving, law-abiding as she has been, is to pledge herself to aid these men who disregard the law and who act in violation of law in making war upon Virginia's own Government, and Virginia must interpose her potent voice and say to that Government: "You must not enforce your laws in this or that State, but you must enforce them in the other States." In other words, New York must pay her revenues; collection of them must be enforced in New York and Norfolk, but they must not be enforced in the State of South Carolina, because she has done that which she has not the right to do. That is the logical argument of the gentlemen who deny the right of secession.

Now, I commend to those who have spent a lifetime in admiring the gallant statesman of Kentucky, now no more—to those whose lives have been expended in efforts to show their appreciation, not alone of the man, but of the sentiments of his life, the following:

"ASHLAND, May 17, 1851.

"MY DEAR SIR: I received your favor of the 15th. There is no significance whatever to the article which you refer to in the *Reporter*. It was put there without my authority or knowledge, and I regretted it when I saw it.

"You ask what is to be done if South Carolina secedes? I answer unhesitatingly, that the Constitution and laws of the United States must continue to be enforced there, with all the power of the United States, if necessary.

Secession is treason; and if it were not—if it were a legitimate and rightful exercise of power, it would be a virtual dissolution of the Union. For if one State can secede, every State may secede, and how long in such a state of things could we be kept together? Suppose Kentucky were to secede, could the rest of the Union tolerate a foreign power within their very bosom? There are those who think the Union must be preserved and kept together by an exclusive reliance upon love and reason. This is not my opinion. I have some confidence in this instrumentality; but, depend upon it, that no human government can exist without the power of applying force, and the actual application of it in extreme cases. My belief is, that if it should be applied to South Carolina, in the event of her secession, she would be speedily reduced to obedience, and that the Union, instead of being weakened, would acquire additional strength.

"Writing, as you perceive, by an amanuensis, I must be brief, and conclude with assurances of my constant regard."

Upon this point, Mr. Clay was very explicit in his speech in the Senate, on the day after the defeat of the Omnibus Compromise bill, July, 1850.

Mr. Clay said:

"Now, Mr. President, I stand here in my place, meaning to be unawed by any threats, whether they come from individuals or from States. I should deplore, as much as any man, living or dead, that armies should be raised against the authority of the Union, either by individuals or States. But, after all that has occurred, if any one State, or a portion of the people of any State, choose to place themselves in military array against the Government of the Union, I am for trying the strength of the Government. [Applause in the galleries.] I am for ascertaining whether we have a Government or not, practical, efficient, capable of maintaining its authority and upholding the powers and interests which belong to the Government. Nor, sir, am I to be allayed or dissuaded from any such course by intimations of the spilling of blood. If blood must be spilt, by whose fault will it be? Upon the supposition I maintain, it will be the fault of those who raise the standard of disunion, and endeavor to prostrate this Government; and, sir, when this is done, so long as it pleases God to give me a voice to express my sentiment, and an arm—weak and enfeebled as it may be by age—that voice and that arm will be on the side of my country, for the support of the general authority, and for the maintenance of the powers of this Union." [Applause in the galleries.]

There is where Henry Clay stood. But, Mr. President, I have been driven from the point that I was about to make, into a notice of this Yankee notion of secession, and I now return to it. I gave you the true reason why South Carolina desired a separation from the Federal Government and the Federal Union. She tells

you that she believes in this doctrine of the irrepressible conflict. Now that Seward has abandoned it and the Black Republican party is afraid to maintain it, the South takes it, and we heard the Commissioner from the State of South Carolina proclaim it here in our midst the other day.

Mr. Spratt, sent from South Carolina as Commissioner to the State Convention of Florida, while the question of secession was pending before that body, and again in a letter which he addressed to a delegate from Louisiana to the Montgomery Congress, uses the following language:

"The South is now in the formation of a slave republic. This, perhaps, is not admitted generally. There are many contented to believe that the South, as a geographical section, is in mere assertion of its independence; that it is instinct with no especial truth—pregnant of no distinct social nature; that for some unaccountable reason the two sections have become opposed to each other; that for reasons equally insufficient, there is a disagreement between the peoples that direct them; and that from no overruling necessity, no impossibility of co-existence, but as a mere matter of policy, it has been considered best for the South to strike out for herself and establish an independence of her own. This, I fear, is an inadequate conception of the controversy."

"The contest is not between the North and South as geographical sections, for between such sections merely there can be no contest; nor between the people of the North and the people of the South, for our relations have been pleasant; and on neutral grounds there is still nothing to estrange us. We eat together, trade together, and practise yet, in intercourse, with great respect, the courtesies of common life. But the real contest is between the two forms of society which have become established, the one at the North and the other at the South. Society is essentially different from Government—as different as is the nut from the bur, or the nervous body of the shell-fish from the bony structure which surrounds it; and within this Government two societies had become developed as variant in structure and distinct in form as any two beings in animated nature. The one is a society composed of one race, the other of two races. The one is bound together but by the two great social relations of husband and wife, and parent and child; the other by the three relations of husband and wife, and parent and child, and master and slave. The one embodies in its political structure the principle that equality is the right of man; the other that it is the right of equals only. The one embodying the principle that equality is the right of man, expands upon the horizontal plane of pure Democracy; the other, embodying the principle that it is not the right of man, but of equals only, has taken to itself the rounded form of a social aristocracy. In the one there is hiring labor, in the other slave

labor; in the one, therefore, in theory at least, labor is voluntary; in the other involuntary; in the labor of the one there is the elective franchise, in the other there is not; and, as labor is always in excess of direction, in the one, power of Government is only with the lower classes; in the other the upper. In the one, therefore, the reins of Government come from the heels, in the other from the head of the society; in the one it is guided by the worst, in the other by the best intelligence; in the one it is from those who have the least, in the other from those who have the greatest stake in the continuance of existing order. In the one the pauper laborer has the power to raise and appropriate by law the goods protected by the State—when pressure comes, as come it must, here will be the motive to exert it—and thus the ship of State turns bottom upward. In the other there is no pauper labor with power of rising; the ship of State has the ballast of a disfranchised class; there is no possibility of political upheaval, therefore, and it is reasonably certain that so steadily, it will sail erect and onward to an indefinitely distant period."

Mr. Commissioner Preston, in his speech before this body, winds up a rhapsody of the same character, as follows: "None but a subject race will labor at the South."

There it is in a nutshell. That is it—that is the feast to which the people of Virginia are invited; that is the Government to be provided for the people I have the honor to represent here; for my children, for your children, and the children of the people of this good old State. South Carolina initiated this movement; South Carolina will control this movement; South Carolina will give direction to this new cotton Government, if ever a permanent one is formed, which, I trust in God, never will be, and humbly believe, never can be. But, if it ever should, it must of necessity—if these Commissioners from Georgia and South Carolina who addressed us, understood what they were talking to us about—partake strongly of a military character, and strongly of the character of the present Government of South Carolina, where no man within her limits is eligible to a seat in the Lower House of her Legislature, unless he is the owner of ten negroes and five hundred acres of land.

I have been a slaveholder from the time I have been able to buy a slave. I have been a slaveholder, not by inheritance, but by purchase; and I believe that slavery is a social, political, and religious blessing, and I so believed when, so far as I know, no other man south of Mason and Dixon's line believed, to which fact there is a living witness at this day. When a boy, but seventeen years of age, in the city of Philadelphia, I took the ground that slavery was right in itself. At that day no man South took that ground in defence of the institution. The agitation of this question has, in the words of Mr. Hunter, in the speech

which he delivered before the Breckinridge Convention at Charlottesville last fall, been productive of good. It has brought every man south of Mason and Dixon's line upon one common platform, and no man to-day denies the assertion I have made, that African slavery is right in itself. Believing that the institution of slavery is essential to the preservation of our liberties, I desire above all things to continue it.

How long, if you were to dissolve this Union—if you were to separate the slaveholding from the non-slaveholding States—would African slavery have a foothold in this portion of the and? I venture the assertion that it would not exist in Virginia five years after the separation, and nowhere in the Southern States, twenty years after. How could it maintain itself, with the whole civilized world, backed by what they call their international law, arrayed for its ultimate extinction?—with this North, that is now bound to stand by us, and to protect slavery, opposed to us, and united with England, France, and Spain, so to control the destiny of the slaveholding Republic as to work out the ultimate extinction of the institution? Think you that ever another square mile of territory can be acquired by a purely slaveholding Republic? You would have not only the North to prevent you, but England, France, and Spain. I have looked forward to the day when Cuba, that gem of the ocean, would fall into our lap. I have never advocated any harsh or violent measure to procure it, but if we remain together, that island is destined to be ours. The commercial interests of the non-slaveholding States make them as anxious—more anxious—to procure it than we are; and nothing can prevent its addition to our Union but our own separation and dissolution.

Look at Virginia to-day, standing in the centre of this Confederacy, by far the most powerful nation upon the face of the globe, with the most prosperous and the most happy Government on earth—a Government that has gone on in a career of greatness, of glory, of power, and of prosperity, in a manner that is almost too much for the human mind to realize. This Government that has conferred upon us blessings innumerable, and nothing but blessings, is to be destroyed, dissolved, not because of any act of its own; not that it is resisted; not because of any intolerable oppression, for it has never oppressed us; but because a portion of its citizens, residing in a particular section of the Union, have so far forgotten their duty to their brethren of the same family, as to entertain hostile opinions of an institution belonging to the other section.

Mr. President, is there not reason why we should wait to see if that hostile sentiment has not already culminated, and is not to-day upon the wane?

Mr. Hunter, in the same speech to which I referred as delivered before the Breckinridge Convention at Charlottesville, stated that when

he first entered Congress, which was in 1837, there was no statesman of any respectability that did not admit the power of Congress to enact the Wilmot Proviso—in other words, to exclude slavery from the Territories of the Union. He referred to that as a significant fact in the history of the slavery agitation, to show the progress which this institution had made in public estimation. At this day, the power is denied by all the South and much of the North, and we find that in the midst of non-slaveholding communities men are found to get up and justify the institution of slavery, as by right an institution consistent with the Providence of God. They would not have been allowed to have made a similar speech in the State of Virginia twenty-five years ago. Has not, then, the current of public opinion been running rapidly in our favor upon the subject of this institution? And, if we had maintained our plighted faith, made eight years ago, we would have had no disturbance, no agitation this day upon the subject.

It is common, I know, for gentlemen who are giving aid and comfort to the promoters of disunion, to speak in rounded terms of the growing hostility to slavery which is manifesting itself in the non-slaveholding portion of this Union. Gentlemen are mistaken when they say that it has steadily, without check, increased.

In 1848, Martin Van Buren, as the candidate of the Free-soil party, received three hundred thousand votes. In 1852, John P. Hale, the candidate of the same party, received but one hundred and forty-seven thousand votes, a falling off of more than one-half. Now, what occurred between 1848 and 1852 to bring about such a result? What occasioned this change? It was that the compromise of 1850 had been adopted, and both the great political parties of the country pledged themselves to regard these measures as a final settlement of this question of slavery, and an end of the agitation. Furthermore, they pledged themselves to resist all attempts at its renewal, whether in Congress or out of it.

But we find, in four years after, this vote of one hundred and forty-seven thousand was swelled to one million three hundred thousand. Gentlemen are as familiar with the causes that produced that result as I am. There has not been, then, a steady increase of hostile sentiment to slavery at the North, but there was a decrease of it between the years 1848 and 1852, and the impetus that was given to it after 1852, increased it to its present proportions.

I have sometimes thought, Mr. President, that He who rules, and governs, and punishes nations for their national sins, was now afflicting us for a violation of our plighted faith to the savage Indians solemnly made by treaty. I believe this trial, that we are now going through, is a punishment for that violation of our plighted faith—a violation of a solemn treaty made by a Christian nation with a sav-

age race. But I believe as firmly, that we shall be carried through it safely.

Mr. President, we have heard a great deal said about coercion, and the resolutions under consideration refer to that subject.

Will gentlemen define what kind of coercion it is they desire the people of Virginia to pledge themselves to resist? It is a most remarkable fact, that during the progress of this disunion movement, generalities and generalities alone are indulged in, accompanied with sensation telegrams. In the language of the lawyers, I call upon you to file your bill of particulars.

I might detain you here for an hour, by reading telegraphic despatches from this city to Tennessee, in order to induce the people of that State to call a Convention—"only twenty submissionists elected in Virginia"—"Virginia will be out before the 4th of March."

That is the character of these despatches, which were intended to affect the election in Tennessee—as the address of our ten Congressmen was intended to influence the election in this State. Two Senators and eight Representatives circulated, broadcast, a few days before the election, an address informing the people of what I believe every man, woman, and child in the State knew before, that they were utterly incompetent to effect any adjustment of the pending difficulties. And in like character we were told here, yesterday, that the Black Republicans in Congress had rejected the measure of adjustment recommended by the Peace Conference? Is that so, sir? I do not read the reports of the proceedings in Congress in that way, nor do I read the report of the vote in Congress upon the Crittenden resolutions, which Senators and Representatives told us before the election were lost, because of Black Republican opposition. On the contrary, I read that that gallant old statesman, John J. Crittenden, sent a despatch to Raleigh, North Carolina—a nobler specimen of a man, and a purer patriot than John J. Crittenden, never trod God's free earth—saying that in consequence of the failure of six Southern Senators, who sat in their seats, and did not vote—two of the six, I have been informed, were Messrs. Mason and Hunter—they were defeated. I have read that the Peace Conference propositions were not allowed to be put to the country, because of the fact that Mr. Hunter and Mr. Mason would not favor them. They did not wait for the Hales, Sumners, and Wilsons to oppose them. The distinguished Senator from Kentucky presented them instead of his own, but Mr. Hunter rose from his seat and gave them their death-blow. Is it the lead of these gentlemen that we are to follow in Virginia, if we desire to preserve the Union? They have a most singular way of preserving the Union. Is not every step that has been taken in this disunion movement marked by a contempt, an utter contempt, on the part of the leaders, for the people of this country? Eu-

ripides informs us that Creon, King of Thebes, sent a herald to Athens, who inquired for the King of Athens. Theseus replied, "You seek him in vain; this is a free city, and the sovereign power is in all the people."

And, sir, in this country the sovereign power is in the people. It has for the time been usurped, but just as sure as the sun shines in a clear and cloudless sky, that people will rebuke those who have endeavored to bring on this distracted condition of things, and to destroy the fairest Constitution and the freest Government ever erected by man, upon the footstool of God.

What say these gentlemen? This is an association of States, State sovereignties. I don't read history that way, and I commend to these gentlemen the perusal of the thirty-ninth number of *The Federalist*, written by Mr. Madison. Madison tells us that this is not a federal nor a national government. It is of a mixed character—it partakes of the nature of both. That he is right in this it is only necessary to refer to the action of the Convention that framed the Constitution of the United States, upon a proposition submitted by Luther Martin, of Maryland; and I would invite the attention of the Convention to the extract I shall read from his letter to the Maryland Legislature:

"By the principles of the American Revolution, arbitrary power may, and ought to be resisted, even by arms, if necessary. The time may come when it shall be the duty of a State, in order to preserve itself from the oppression of the General Government, to have recourse to the sword; in which case, the proposed form of government declares that the State and every one of its citizens who act under its authority, are guilty of a direct act of treason; reducing, by this provision, the different States to this alternative—that they must tamely and passively yield to despotism, or their citizens must oppose it at the hazard of the halter, if unsuccessful; and reducing the citizens of the State which shall take arms, to a situation in which they must be exposed to punishment, let them act as they will—since, if they obey the authority of their State Government, *they will be guilty of treason against the United States*; if they join the General Government, they will be guilty of treason against their own State.

"To save the citizens of the respective States from this disagreeable dilemma, and to secure them from being punishable as traitors to the United States, when acting expressly in obedience to the authority of their own State, I wished to have obtained, as an amendment to the third section of this article, the following clause:—Provided, that no act or acts, done by one or more of the States against the United States, under the authority of one or more of the said States, shall be deemed *treason or punished as such*; but in case of war being levied by one or more of the States against the United States, the conduct of each party toward the

other, and their adherents respectively, shall be regulated by the laws of war and of nations. But this provision was not adopted."

Sir, it is amazing that, with so many sources from which we can derive correct information as to the nature and character of our Federal Government and the relation that the States bear to it, and to each other—I say it is amazing that, at this day, gentlemen will get up and contend that our General Government is a mere Confederation of States, in the face of the fact that Henry and Mason, in the Convention of our State, opposed the ratification of the Federal Constitution, because it created a Government that rested not for its preservation upon State authority, but came, as did the State Governments, from the people of each State, who delegated to it a portion of their sovereign power to be exercised in common with the other States for the mutual benefit and common good of all.

I know that gentlemen, when they speak of coercion, cannot mean that there is a power to coerce a sovereign State, as such. There is no such power. No man in the land contends for such a power; and if no one contends for it, why level your anathemas against it? Why build up cob-houses that you may have the pleasure of knocking them down? Coercing a State, if it means any thing, means making war upon it; war against a State affects the innocent as well as the guilty. The Federal Government is created by the same power that created the State Governments. It preserves itself by the same means that the State Governments preserve themselves—that is, by punishing the guilty and protecting the innocent. Why are governments necessary? If everybody would act as Christians should do, each rendering to the other what is his due, there would be no need for Government. The very fact that we have a Government, and that it is necessary for the protection of society and individuals, arises from the fact that all will not do right, and that power must reside somewhere to punish the disobedient and enforce the laws.

The Government, therefore, acts upon individuals, punishes the guilty, protects the innocent; and without this power you can have no Government. And it must be sustained, too, in the exercise of that power, whenever it becomes necessary to be exercised, for the preservation and perpetuation of the Government.

But, sir, is there any thing in this inaugural address to justify for a moment the assertions that have been made upon this floor, that it breathes a spirit of war? Read it again, gentlemen. More pacific, more peaceful language could not have been employed by Mr. Lincoln, unless he had been willing to stand up before that assembled multitude in Washington and proclaim to them that, "although in a few moments I shall swear to discharge the duties of the office of President of the United States, and to preserve, protect, and defend the Con-

stitution of the United States, I don't mean to do it—I mean to perjure myself." Sir, unless he had done this, he could not have done less than he has done. He has told you, in effect, and told you in pleading, begging terms, that no war will be made upon you, that no force will be used against you—none whatever. But you were dissatisfied, and he appeals to you and says: "Dissatisfied though you be, wait, wait and pursue the remedy pointed out under the Constitution, to provide for you every guarantee, every protection that you may desire; I shall do nothing to injure you; it is made my duty to say, as Mr. Buchanan, as General Jackson, and every President before me has said, and as every future President must say, that I will preserve my oath." But after that he tells you, that if States are so hostile to him that no one residing in them will accept the offices which are to be filled by the Federal Government, he will not attempt to fill them by persons from other States who may be obnoxious to them.

But these gentlemen say: "He says he intends to preserve and protect the forts and other public property of the United States." Well, sir, is he not right in doing so? Is it not his duty to do so? Would you have him to do less? Did you not sustain Mr. Buchanan in doing so to the extent that he did do so? Is it right that those gentlemen in Louisiana shall rob the mint of your money and of my money? that they shall rob you of your arms and munitions of war, and of your forts, and arsenals, and dock yards? Is it your duty as good citizens to stand by and thus connive at this act of bad faith, and to speak well of it, and to give it aid and support, and to say to the Federal Government, "If you do not give up these forts, and arsenals, and dock yards peaceably, willingly, why we will take them forcibly, we will make war upon you"? Sir, I and the people I represent, do not read our duties in that way. Mr. Lincoln in his inaugural address virtually tells you that he is not going to make any effort to retake forts which were taken before he came into power; it would be impolitic for him to do so. On the contrary, he negatives such an inference as much as he can do so, by saying that he will endeavor to preserve, retain, and hold the public property so that he may hand it over to his successor as it was handed to him by Mr. Buchanan; and that is all he does say.

Now, sir, looking alone to my own ideas of what would be expedient in the present condition of the country, I would say, not only let them go with what they have taken, but let them have what is still left to take, if they desire it; for I am satisfied, as much as I can be of any fact that has to occur in the future, that one year will not roll round until the people of each and all of those States which have, in the estimation of some, withdrawn themselves from the Union, will rise in their majesty, assert their power, hurl those men from the places

which they have obtained through their confidence, and raise again, high above the rattlesnake and the palmetto, the stars and stripes of our beloved land. Believing this, I would let them alone. I would let them, to use the language of politicians, "stand out in the cold a while," and, I warrant you, they will come shivering back, glad to get to a Union fire.

Mr. President, if I had strength, and if it would not be an abuse of the patience of this Convention, who so kindly indulged me yesterday with an opportunity to speak to-day, and to whom I am greatly indebted for the attention with which they have heard me, I would like to call their attention, and the attention of the country, to the condition in which we would be placed, particularly here in Virginia, in the event of a dissolution of the Union.

Look at Virginia, her central position in the Confederacy, possessing within her broad limits the mineral wealth found anywhere and everywhere in the United States; the products of the Union are hers, with the exception of sugar and rice; wielding a power and an influence in this Government by virtue of her very position, her central position, that she could never wield if the Confederacy were dissolved. Look, when she recommended a Peace Conference; her recommendation is responded to by twenty-one States, as quick as the lightning can bear to them the resolutions requesting it. What other State could have accomplished so much in so short a time? Why is it that Virginia possesses this influence? Because of her position; because of her sacrifices made for the Union; because of her well-known devotion to the Union; because she was the principal architect in its construction; because she has ever been governed by the impulse of a patriotic heart; because her material interests are such as make her interests equal between the sections.

But dissolve the Union, and hitch her on to the tail of a Southern Confederacy, to stand guard and play patrol for King Cotton, and where would she be? What son of Virginia can contemplate this picture without horror?

"Oh, but," our friends say, "if you don't unite in a cotton Government, they will not buy our negroes." I say they cannot get them anywhere else. I have no fear of their ever reopening the African slave trade. No, sir, no slaveholding republic will ever be permitted to do it. England will not allow it, France will not allow it, Spain will not allow it, nor would a Northern Confederacy allow it. Even now, great and powerful as we are, with a large portion of our territory dedicated—as the Black Republicans call it—to freedom; even now, great as we are, dictating, upon almost every other subject, our treaties with other nations upon our own terms, we are compelled to keep up a force, at an expenditure of millions of dollars, to prevent this African slave trade. They are bound to buy our negroes. They could never coerce me into any act which my judg-

ment disapproved of, by threatening that they would not buy my negroes.

Sir, is not language like this, employed by these secessionists with the design of influencing the minds of the people of Virginia, an insult to the honor, and the intelligence, and the patriotism of our people? "But, oh, our honor is at stake, our rights are denied," we are told by some. Pray, gentlemen, wherein has your honor suffered, or is likely to suffer? Tell me, if you please, wherein any thing infringing upon Virginia's honor has been attempted, much less executed. What right has ever been denied? Haven't you equal rights in the Territories? Has not this very Government, that you are going to overthrow, declared that you have? Haven't you equal rights, as States, in the Federal Government? Has not the little State of Florida, with its forty-seven thousand white inhabitants, and its twenty-three millions of property, an equal voice in this Government with the great State of New York, with its three millions of white inhabitants, and its thousand millions of property? Has not the State of South Carolina, with a white population not half as large as the single city of Philadelphia, an equal voice in the control of this Government, with the whole great State of Pennsylvania, with her two million five hundred thousand inhabitants? Then what has been denied you? Put your finger upon the right that has been taken away from you. What right has been denied in this Government? Wherein does this inequality consist? May it not be, gentlemen—and I ask it with all kindness—may it not be that you have mistaken party platforms for the Constitution of the United States, and the action of individual parties for the action of the Federal Government?

Mr. President, with our extended frontier, with our defenceless sea-coast, tell me the amount of money that would be required so to fortify the State, in case of a separation, as to afford the slightest protection not only to our slave property, but against those John Brown forays upon a larger scale. And, by the way, let me here call your attention to a single fact, namely, that it was fourteen of the marines of this very Federal Government, which you want to destroy, that took John Brown and his men out of the engine house. It was not all this army that you raised in Richmond and that we sent down from the border. It was fourteen marines belonging to the Federal Government which took that insurrectionary party out of the engine house, delivered them over to your civil authorities, who justly tried and hung them; and it was the Governor of our sister State of Pennsylvania—for, denounce me as submissionist if you please, apply whatever epithets you will, Pennsylvania is our sister State—and it was the Governor of Pennsylvania who delivered up to us Hazlett and Cook, and, in doing so, he behaved as the Chief Executive of a sister State should behave.

Sir, can any man believe that in case of a dissolution of the Union, we would enjoy any thing like the freedom, the liberty, and equality which we now enjoy under this General Government of ours? Could we maintain ourselves without a strong military force kept up at an enormous and exhausting expense? We are now, under the Constitution and in the Union, the freest, the most independent, and the happiest people on earth. Dissolve the Union, and a military despotism, the licentiousness of the camp, and ragged poverty, will be substituted in its place.

And now, Mr. President, in the name of our own illustrious dead, in the name of all the living, in the name of millions yet unborn, I protest against this wicked effort to destroy the fairest and the freest Government on the earth. And I denounce all attempts to involve Virginia to commit her to self-murder as an insult to all reasonable living humanity, and a crime against God. With the dissolution of this Union, I hesitate not to say, the sun of our liberties will have set forever.

Doc. 20.

PEACE IN MISSOURI.

AGREEMENT BETWEEN GENERALS HARNEY AND PRICE, MAY, 1861.

THE following paper was read to General Sterling Price, of Missouri, under the circumstances herein stated.

A few days after General Harney issued his proclamation or address to the people of Missouri,* it was announced that Sterling Price had been appointed the Major-General of the Militia of the State, by Governor Jackson. General Price had been elected, but a few weeks before, as a Union member of the Convention of the State of Missouri, called by an act of the Legislature. As a Union man he had been elected by the votes of Union men in the Convention, to preside over the deliberations of that body. The Convention had passed Union resolutions, declaring that there was no cause for the secession of the State from the common Union.

Under these circumstances it was thought that General Price, if so disposed, might co-operate with General Harney in the preservation of the peace of the State, in subordination to the Constitution of the United States and that of the State of Missouri. With the approval of General Harney, several leading men in St. Louis were requested to write to General Price, urging upon him the importance of his position, and suggesting the propriety and duty of his coöperating with General Harney for the maintenance of peace within the State.

Two gentlemen of high character in St. Louis, Judge Lord and Mr. Crow, independ-

ently of each other, seeing the importance of the movement, associated others with them and proceeded separately, as two committees, (of three each,) to Jefferson City to confer personally with General Price.

General Price received the committees with courtesy, and declared that his "Union sentiments remained unchanged." This declaration was written down by Mr. Crow; and the writing, to guard against error, was submitted to General Price and was approved by him.

Before the committees left St. Louis, General E. A. Hitchcock, formerly of the army, had furnished Mr. Crow with a memorandum, to be urged upon General Price, pointing out the objectionable features of the Militia Bill which had recently been passed by the Missouri Legislature, the memorandum closing with the words—"obedience to the Militia Bill will be hostility to the United States."

At the conclusion of the conference with Mr. Crow, General Price offered to go to St. Louis, to confer personally with General Harney, if such a step was desired. On Mr. Crow's return to St. Louis, and his reporting the result of his conversation with General Price, the latter was telegraphed to visit St. Louis; and that same evening he came accordingly.

In anticipation of his arrival, and in order to guard against the possibility of mistake, as to the position of General Harney in relation to the Militia (or Military) Bill, the following paper was prepared, and was read by General Hitchcock to General Price the morning after his arrival, in the presence of Major Henry S. Turner, (as the chosen friend of General Price.) This was done before the interview of Gens. Harney and Price, in order that the latter might know distinctly the opinion of General Harney in regard to the Militia Bill, and in regard to the consequences of an attempt to enforce that bill in the State.

In the interview with Major Turner and General Hitchcock, General Price declared that he was not in favor of the State's going out of the Union; and that Governor Jackson, though he had, at one time, been in favor of it, was then opposed to it, thinking that the proper time for it had passed. He also stated expressly that he had never taken the oath prescribed in the Militia Bill; but that he had taken the oath of allegiance to the Constitution of the United States, and was then under its obligations.

The interview of General Price with General Harney then followed—in the presence of Gen. Hitchcock and Major Turner—during which General Price reiterated what he had but a few moments before asseverated to the latter two gentlemen; and he declared his purpose, most solemnly, of using his power in coöperation with that of General Harney to maintain the peace of the State in obedience to the Constitution of the United States and that of the State of Missouri; and he gave his opinion that he had the power to quell any disturbance that

* See General Harney's proclamation to the people of the State of Missouri, at page 242, Documents, vol. I.

might arise in the State, and pledged himself to go in person to any part of the State where his presence might be necessary, in order to effect the object.

He was so confident of his power to put down every attempt to disturb the peace, that he turned to General Harney, and said, with great earnestness, "If I fail to do it, you may have my head for a football."

General Harney said but very little in this interview, and all that he did say went simply to the point, that if General Price could keep the peace, it was all that he or his Government desired.

General Price, upon their coming to an understanding, said that he would return to Jefferson City, and would send to their homes the militia that had been called there by the Governor for the defence of the capital against an anticipated attack from the United States forces. These were supposed to be about four thousand; and after the agreement was signed between the two generals, to keep the peace "in subordination to the Constitution of the United States and the State of Missouri," General Price returned to Jefferson City and conformed to his pledge by dispersing all of the said militia, except one company, which was retained merely as a body guard for the Governor, and for the preservation of the archives of the State against mob violence. The following is the agreement signed by Generals Harney and Price, together with a proclamation of General Harney, submitting the agreement to the people of Missouri:

To the people of the State of Missouri:

I take great pleasure in submitting to you the following paper, signed by General Price, commanding the forces of the State, and by myself, on the part of the Government of the United States. It will be seen that the united forces of both Governments are pledged to the maintenance of the peace of the State, and the defence of the rights and property of all persons, without distinction of party. This pledge, which both parties are fully authorized and empowered to give by the Governments which they represent, will be by both most religiously and sacredly kept, and, if necessary to put down evil-disposed persons, the military powers of both Governments will be called out to enforce the terms of the honorable and amicable agreement which has been made. I therefore call upon all persons in this State to observe good order, and respect the rights of their fellow-citizens, and give them the assurance of protection and security in the most ample manner.

WM. S. HARNEY,
Brigadier-Gen. Commanding.

AGREEMENT BETWEEN GEN. HARNEY AND GEN. PRICE.

St. Louis, May 21, 1861.

The undersigned, officers of the United States Government and of the Government of the State of Missouri, for the purpose of removing

misapprehensions and allaying public excitement, deem it proper to declare publicly that they have, this day, had a personal interview in this city, in which it has been understood, without the semblance of dissent on either part, that each of them has no other than a common object, equally interesting and important to every citizen of Missouri—that of restoring peace and good order to the people of the State, in subordination to the laws of the General and State Governments.

It being thus understood, there seems no reason why every citizen should not confide in the proper officers of the General and State Governments, to restore quiet; and, as the best means of offering no counter influences, we mutually recommend to all persons to respect each other's rights throughout the State, making no attempt to exercise unauthorized powers, as it is the determination of the proper authorities to suppress all unlawful proceedings, which can only disturb the public peace.

General Price having, by commission, full authority over the militia of the State of Missouri, undertakes, with the sanction of the Governor of the State, already declared, to direct the whole power of the State officers to maintain order within the State among the people thereof; and General Harney publicly declares that, this object being thus assured, he can have no occasion, as he has no wish, to make military movements which might otherwise create excitements and jealousies which he most earnestly desires to avoid.

We, the undersigned, do therefore earnestly enjoin upon the people of the State to attend to their civil business, of whatever sort it may be; and it is to be hoped that the inquiet elements, which have threatened so seriously to disturb the public peace, may soon subside, and be remembered only to be deplored.

WM. S. HARNEY,
Brigadier-Gen. Commanding.
STERLING PRICE,
Major-Gen. Missouri State Guard.

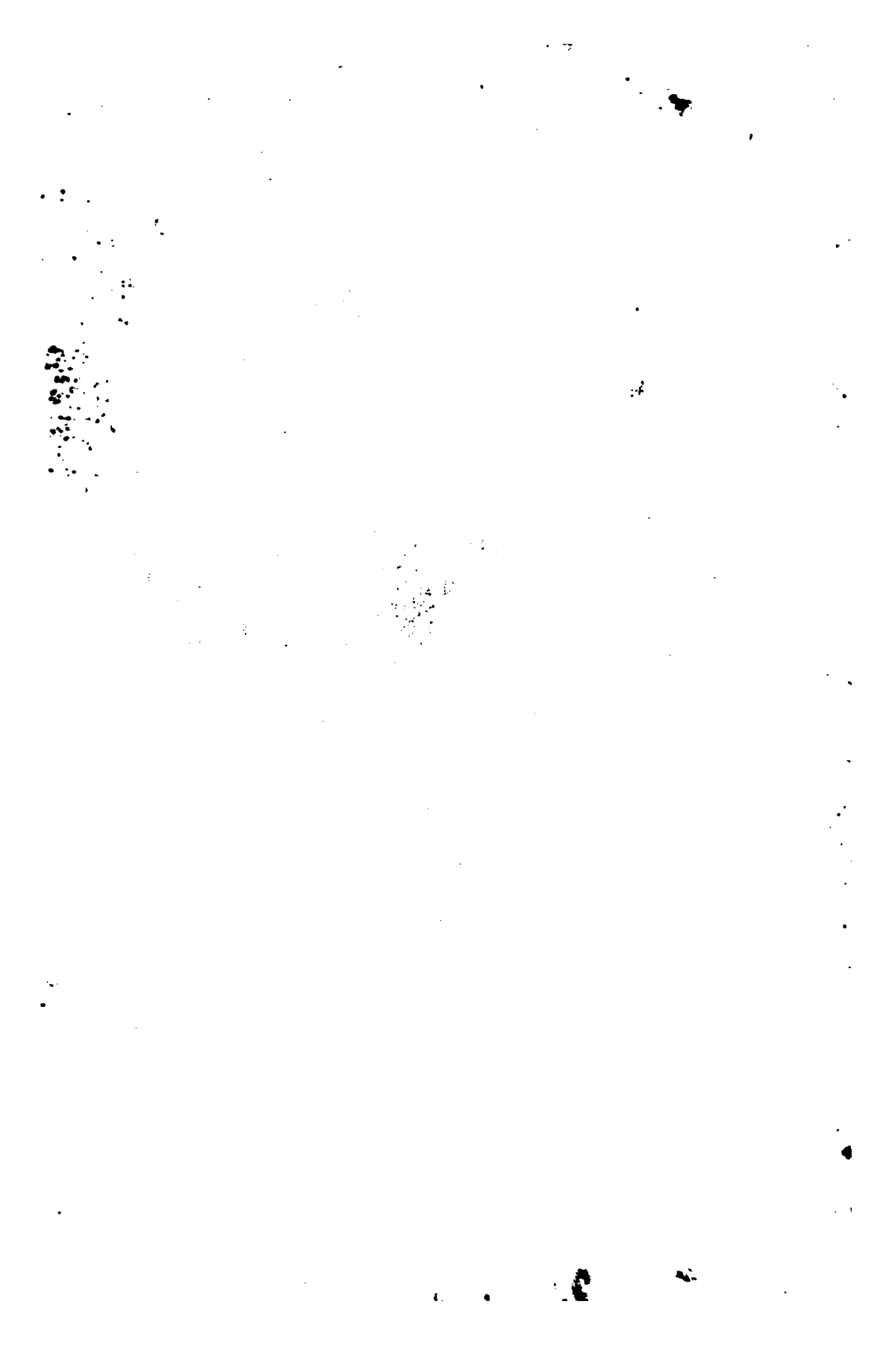
General Harney then began to prepare an expedition to Springfield, with the purpose of organizing the Home Guards at that place and its vicinity, which he designed should be gathered around a nucleus of regular soldiers, to hold in check a hostile force then known to be assembling in Arkansas to penetrate Missouri. But this was prevented by the order by which his military career in Missouri was terminated.

What might have resulted from the measures of General Harney, if he had not been superseded in the command of the Western Department, must remain an unsolved problem.

The paper which was read to General Price in the presence of Major H. S. Turner, as above stated, was the following:

"General Harney is here as a citizen of Missouri, with all his interests at stake in the preservation of the peace of the State.

"He earnestly wishes to do nothing to complicate matters; and will do every thing in his





Engraving by

ROGER B. TANEY

Chief Justice of the United States

power, consistently with his instructions, to preserve peace and order.

"He is, however, compelled to recognize the

in the midst of the perils and revulsions now agitating our country, men must expect to appear in new relations: and "

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extending a sincere animosity to all those who espoused the cause of our common country.

The combination of political events, treason, and bad faith, culminated with such fearful ra-



STRAUSS

ROGER B. TANEY

CHIEF JUSTICE OF THE SUPREME COURT

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and a general amnesty to all those who espoused the cause of our common country.

The combination of political events, treason, and bad faith, culminated with such fearful ra-



power, consistently with his instructions, to preserve peace and order.

"He is, however, compelled to recognize the existence of a rebellion in a portion of the United States; and, in view of it, he stands upon the proclamation of the President, itself based upon the law and the Constitution of the United States.

"The proclamation commands the dispersion of all armed bodies hostile to the supreme law of the land.

"General Harney sees, in the Missouri Military Bill, features which compel him to look upon such armed bodies as may be organized under its provisions, as antagonistic to the United States; within the meaning of the proclamation, and calculated to precipitate a conflict between the State and the United States troops.

"He laments this tendency of things, and most cordially and earnestly invites the cooperation of General Price to avert it.

"For this purpose, General Harney respectfully asks General Price to review the features of the bill in the spirit of law, warned and elevated by that of humanity, and seek to discover some means by which its action may be suspended, until some competent tribunal shall decide upon its character.

"The most material features of the bill calculated to bring about a conflict are, first, the *oath* required to be taken by the militia and 'State Guards,' (an oath of allegiance to the State of Missouri, without recognising the existence of the Government of the United States,) and, secondly, the express requirement, by which troops within the State, not organized under the provisions of the Military Bill, are to be disarmed by the *State Guards*.

"Gen. Harney cannot be expected to wait a summons to surrender his arms, from the State Guards.

"From this statement of the case, the true question becomes immediately visible and cannot be shut out of view.

"Gen. Price is earnestly requested to consider this; and Gen. Harney will be happy to confer with him on the subject whenever it may suit his convenience."

Doc. 21.

THE TEXAS TREASON.

A PAPER READ BEFORE THE NEW-YORK HISTORICAL SOCIETY, JUNE 25, 1861, BY MAJOR J. T. SPRAGUE, UNITED STATES ARMY.

It is to me, Mr. President, a source of gratification and pleasure in being invited to address this time-honored Association, and to be instrumental in depositing with you facts and incidents, peculiar and striking in their character, which will in time to come, when the historian shall gather up the records of the past, fill his mind with astonishment, as well as with sorrow and regret. It is not often, my countrymen, that one of my profession is found in the position occupied by myself here to-night; indeed, I feel a degree of embarrassment almost unsurmountable, but

SER. Doc. 7.

in the midst of the perils and revulsions now agitating our country, men must expect to appear in new relations; and it becomes every one's duty to summon the energy of his head and his heart, to meet the trials incident to the occasion. With all this, I feel to-night a degree of sadness and sorrow, as well as gratification—sadness and sorrow, that the incidents which have transpired around me within the past three months, occurred within the circumference of our own peaceful and happy land—gratification that I am again under the folds of our long-cherished banner, and within the sound of the cheerful voices of freemen. Strange and inconsistent as it may seem, I am here to-night a prisoner—a prisoner of war in the hands of my own countrymen—a prisoner on parole, made so by usurpation and the stern hand of military power and authority; and I owe to myself, to my companions, to my country, and to history, to state as succinctly, and as briefly as possible, the unfortunate and disastrous events leading to this result. Humiliating, indeed, is this necessity to soldiers of well-tried loyalty, when finding their acts impugned and misunderstood by many of their countrymen, who denounce the enemy as rebels, and disclaim their right to demand of prisoners the usages of civilised warfare.

Eighteen years, out of twenty-four, my military duties have been confined to the South. From the hummocks and everglades of Florida, to the frontiers of Georgia, Alabama, the Creek and Cherokee country, Arkansas, Texas and New-Mexico, my time and services have been devoted to the protection of citizens and their property. With the abundant resources of the Government, together with the toils and privations of officers and soldiers, security was at all times given to homes, to helpless women and children, to the enterprising frontiersmen, against the bold and relentless savage, seeking vengeance upon the innocent and unoffending.

Texas was to me a section of peculiar interest. The delightful climate, and the warm and genial fellowship of her citizens, gave to our associations there a strong and ardent attachment. I arrived in San Antonio in the spring of Forty-nine, when pestilence was desolating the land, brave men trembled, and the timid fled. It was then, when the soldier and citizen stood side by side in the fearful conflict, and unitedly wept over the graves of many cherished friends and companions; we loved to linger around the resting-place of those whose virtues and example cheered and alleviated the toils and perils of a soldier's life. After ten years' service, I found myself rudely expelled from the land so ardently cherished. Political sentiments had corrupted the public mind. The pestilential atmosphere of secession had crept into the hearts of well-tried citizens. The dark wing of rebellion hovered over this enterprising and prosperous State, poisoning the public mind, causing a bitter animosity to all those who espoused the cause of our common country.

The combination of political events, treason, and bad faith, culminated with such fearful ra-

pidity that friends were turned into active and uncompromising foes. The officers and soldiers soon found themselves prisoners of war in the hands of their countrymen—as humiliating to them as it has been found embarrassing to our Government. Safe-guards were placed in our hands, to insure safe conduct out of Texas, and through the confederated States. Had these disastrous and most humiliating events been attributable to our own acts, or had we been taken prisoners upon the battle-field, we would not complain; but thus to be sold into bondage, through acts of traitors, and by usurpation, is too much to be quietly endured, and we are not willing to be crushed without an appeal to our countrymen, to vindicate our cause, and to record historically our fidelity to the Union.

Twenty-four years I have seen the flag of our country go up and come down with the rising and setting sun, guaranteeing peace and prosperity throughout the land. I have seen it in a foreign land, surmounting the white wings of commerce, commanding the homage of the world. I have folded its Stars and Stripes upon the breast of many a cherished comrade and friend. I have carried it from the Mississippi River to the Rocky Mountains, surrounded by our laws and institutions, when the emigrant mother, with her little brood, would hover beneath its folds, as night closed in upon the distant plain, and rest in peace and security. I have seen it in the dark hour of peril, when doubts and fears hung upon the conflict, and greeted its returning rays with victory perched upon its eagles.

In narrating events that have come under my observation, it is not my desire or design to wound the pride or feelings of any one. There are doubtless those within the sound of my voice, who are identified with individuals conspicuous in the events now passing around us. Men, who by word or deed appear upon the stage of public life, must expect criticism, often severe, sometimes unmerited. The unfortunate but unavoidable conflict, now convulsing our country, tears asunder the ties of kindred and affection. Warm hearts and tried friendships are shocked with the epithet of rebel and traitor. My determination is to state facts, and leave to public opinion and to history the merited condemnation or praise.

There is no section of our country so strikingly illustrative of the peculiar characteristics of our people as the State of Texas. Within her limits are citizens from every State in the Union, as well as large numbers from foreign countries. They bring with them the habits and sentiments peculiar to their homes, and thus, unitedly, form the basis of a hardy, vigorous, intelligent population. The State is divided into, and is well known as, Eastern and Western Texas. The former extends from Austin, the capital, to the Sabine River, well adapted to slave labor, producing cotton, sugar, and tobacco. The latter commences at San Antonio, comprising the country to the Rio Grande, thence down to the coast of the Gulf of Mexico. Corn is raised in large quantities, and the wide range of prairie-land induces

capitalists to embark extensively in the raising of cattle, horses, and mules. The German population is large, and distinguished for intelligence and industry, and their opposition to slave labor, and for which, by recent events, they have been severely punished. The active hostility of Indians upon this frontier so many years, has been the means of inuring the settlers to privations and dangers, and creating a roving and daring class of men known as Texas Rangers. As it is generally supposed an American is born a soldier, so, in this section, every man is, by inheritance, a Texas Ranger. With his horse, rifle, and powder-horn, and ten days' subsistence in his saddle-bags, he takes the field, confident of success. The Ranger of the present day, however, is but an imitator of those brave and resolute men, the pioneers of Texas, now extinct. Within the State there is a secret association, known as the "K. G. Cs."—Knights of the Golden Circle. The headquarters are in San Antonio. In every county there is a place of assemblage called the *Castle*. Generals, colonels, majors, and captains are assigned to the various stations. Meetings are called, by orders from headquarters, and the utmost promptness and system distinguish their proceedings. The initiation fee is one dollar: five degrees are conferred—divulging the designs of the order costing thirty dollars. The funds are placed in the hands of a treasurer, and applied, under the direction of a select committee, to the purchase of arms, accoutrements, and ammunition. It is estimated, by competent authority, that eight thousand men can be brought into the field at four days' notice, well equipped. With this display of force, and the harmony and secrecy distinguishing the order, they hold in subjection the sentiments and conduct of the entire population of the State. At the *Castles* reports are made in regard to individuals, their conduct and opinions, and transmitted, for final action and investigation, to the headquarters.*

The cordon of military posts along the frontier of Texas, was established in the month of March, 1849. To sustain these there has been expended, annually, within the State, from one million six hundred thousand to two millions four hundred thousand dollars. The line extends from Red River to the Rio Grande, thence down the river to Fort Brown, opposite the Mexican town of Matamoras. The distance is about fourteen hundred miles. Forts Worth, Cobb, Cooper, Chadbourne, Belknap, McKeitt, Bliss, Quitman, Lancaster, Stockton, Hudson, Clarke, Duncan, McIntosh, Ringgold, and Camp Verde, are the most important positions, at which are stationed from fifty to one hundred and fifty men, artillery, cavalry, and infantry. In the vicinity, are detached camps, designed to intercept Indian war parties, going to and from Mexico, and from the settlements. San Antonio is the headquarters of the department, as well as the general dépôt of supplies. The nearest port to San Antonio is Camp Verde, sixty-five miles; the most distant, Fort Bliss, six

* The object of this institution is the protection and extension of slavery.

hundred and seventy-five miles. The other stations vary from one hundred and forty miles to four hundred and fifty, and from each other from eighty to one hundred miles. The communication is kept up by horse expresses, consisting, generally of four or six men, according to the activity and hostility of the Indians. San Antonio is one hundred and fifty miles from Indianola, the *entrepot* upon the coast, or Matagorda Bay. The aggregate number of the United States troops within the department of Texas, in February last, was two thousand five hundred and fifty, and sixty-two commissioned officers, consisting of cavalry, artillery, and infantry.

On the fifth of December, 1860, Brevet Major-Gen. David E. Twiggs, U. S. Army, arrived at Indianola, Texas, and, by orders from Washington, assumed command of this military district, known as the Department of Texas. For two years he had resided in New-Orleans, La., retired from active military duties, owing to age and impaired health. Forty-eight years he had been in the service of the Federal Government. Nature had endowed him with a sagacious and active mind, far higher than with that element so essential to a soldier. Caution and self-preservation distinguished his career in the army. Upon reaching Indianola, he expressed to the citizens his opinions as to the critical situation of the country, owing to the election of Abraham Lincoln as President of the United States. Leaves of absence were tendered officers of the army, to the full extent of his authority, with the avowed object that they might repair to their various States and attend to their professional interests, declaring, at the same time, "the Union at an end in less than sixty days, and if they had pay due them to draw it at once, as it would be the last." These sentiments were promulgated throughout Texas, with a corresponding degree of excitement and malignity, suited to the tastes and habits of a class of men there, seeking distinction and office upon the ruins of their country. The position he occupied, the patronage and resources of the General Government in hand, together with the general belief, that under his auspices and advice, the officers and soldiers of the army would espouse his cause, good and patriotic citizens were misled, and induced to look upon *secession* as the only remedy from apprehended evils in the dissolution of our Government. Upon reaching San Antonio, steps were immediately taken to destroy the power and energy of this military department, as had been the example in Washington City, by conspiracy, robbery and fraud. Officers were invited, solicited, to flee from the dissolving Government, and the private soldier counselled as to the policy of his adhering to a service represented to be so doubtful in character, both in regard to permanency and pay. The means of transportation were cut off at all the posts, and the amount of ammunition and subsistence reduced to the consumption from week to week. During the months of February and March, there was not a command in Texas able to move one hundred miles from its post, for

the want of animals, wagons, and subsistence. Such a procedure, together with the unreserved avowal of State sovereignty, and a general denunciation of Federal authority on the part of the Department Commander, Texas had only to make the necessary preliminary arrangements having the semblance of law, when the property of the General Government would fall into her hands without remonstrance, on the exhibition of a regular force. The officers and soldiers, instead of being concentrated at San Antonio for the security of public supplies, were helpless at the distant posts, and had no knowledge of what had transpired until orders came to abandon the country.

The following document, the "Report of the Committee on Public Safety," give, in detail, the steps taken to perfect these treasonable designs, together with the arrangements made for the departure of the United States troops out of Texas:

REPORT NO. 1. — REPORT OF COMMITTEE OF PUBLIC SAFETY.

COMMITTEE-ROOM, March 6, 1861.

To the Hon. O. M. Roberts, President of the Convention :

The Committee on the Public Safety, beg leave to submit through you, to the Convention of the People, the following report in detail of the numerous and important matters which were confided to them, both during the sitting of the Convention, and during the recess from the adjournment on the fifth day of February, and the re-assembling of the same, on the second day of March.

After the passage of the Ordinance of Secession, by the Convention, the Committee, believing that it would be of the highest importance to secure, to the State of Texas, the property belonging to the United States, then within the State; that the public safety demanded that Texas should have control of the arms and munitions of war within her limits, it was too manifest for the Committee to hesitate as to their duties on this subject. The policy of coercion, it was believed, would be adopted by the incoming Administration of the late United States Government, and with about two thousand eight hundred United States regular troops, stationed at different points in the State, all of whom were well supplied with arms and ammunition, the Committee believed their presence, under the command and control of United States officers, was dangerous to the welfare and safety of the State, especially if they remained here without change, until secession of the State of Texas became a finality.

It was also believed by the Committee, that although many of the army officers in command, in the Eighth Military District of the State of Texas, would never consent to use the military forces, under their command, against the people of Texas, yet the Committee did not know, and could not, how soon the friends of the South might be superseded, and our enemies placed in their stead. In view of these facts, and the fact that Texas was justly entitled to her share of the pub-

lic property, and in view of the fact that Texas was without arms for her defence, the Committee, under the authority of an ordinance of the Convention, passed the second of February, 1861, proceeded to set on foot a plan for obtaining possession of the United States property, and for the removal of the United States troops from Texas.

The following is a copy of said ordinance:

Resolution of the Convention conferring Authority on the Committee of Public Safety.

Resolved, By the people of the State of Texas, by Delegates in Convention assembled, that should the Standing Committee of Public Safety deem it essential to the public safety to appoint Commissioners, officers or persons, in reference to taking possession of any of the Federal property, within the limits of this State, they shall have power to appoint such, and assign them their duties, and give them the instructions under which they shall act; but this power shall only extend to such cases in which the Committee may deem prompt action and secrecy absolutely necessary.

That a copy of this resolution, signed by the President of this Convention, and the appointments and instructions, signed by the Hon. John C. Robertson, Chairman of said Committee, shall be full authority to the person, or persons, acting under the same, and a full justification for all acts done in pursuance thereof.

Adopted second February, A.D. 1861.

Preparatory to the appointment of officers and Commissioners, under said ordinance, and to insure secrecy, as against the enemies of the country, the following proceedings were had by the Committee:

On the third of February, 1861, it was moved, and adopted by the Committee, that all officers, appointed by this Committee, should be elected by ballot, and the Commissioners above named were so elected.

Monday, 4th February, 1861.

The following oath was proposed, and adopted by the Committee, to be administered to each of the Committee, and all officers and agents employed by it:

"I solemnly swear that I will keep secret all the councils of this Committee, and all their proceedings; that I will also keep secret all the orders, resolutions and instructions from them that may be committed to me; that I will not divulge them or any of them, to any person whatever, unless I am authorized to do so by the said Committee.

"I further swear that I will true allegiance bear to the State of Texas, and faithfully execute the orders and instructions committed to me by the Convention, so far as in me lies, so help me, God."

The Convention, in view of the fact that the business before the Committee could not be done during the sitting of the Convention, passed the following ordinance, requiring them to continue in session during the recess of the Convention:

Resolution giving Power to the Committee to sit during Recess, etc.

Resolved, That the Standing Committee of Public Safety shall continue in session during the recess of this Convention; that they hold their meetings at such times and places as in their judgment the public interest requires; that said Committee may grant leave of absence to its members, provided such leave of absence shall not reduce the number left to a less number than nine.

Resolved, That said Committee shall keep a full and accurate journal of their acts, in a well-bound book, and report the same to the Convention on the reassembling thereof on the second day of March next.

Adopted February fourth, 1861.

On the third day of February, 1861, the Committee, having been informed that Gen. Twiggs, who was then in command of the Eighth Military District in Texas, with headquarters at San Antonio, was a Southern man by birth, and friendly to the cause of the South, and would in all probability surrender up to the Convention all the Federal property under his control, on demand being made, passed the following resolution, with the hope that civil commissioners might accomplish the purpose of the Committee, without the display of an armed force:

Resolved, That Sam. A. Maverick, Thomas J. Devine, Philip N. Luckett and James H. Rogers, be appointed Commissioners to confer with Gen. D. E. Twiggs, with regard to the public arms, munitions of war, etc., under his control, and belonging to the Government of the United States, with power to demand and remove the same, in the name of the State of Texas, and that said Commissioners be clothed with full power to carry into effect the powers herein delegated, and retain possession of such arms, munitions, stores, etc., subject to the order of the Convention of the People of the State of Texas, and report their acts and doings in the premises, to the Committee on Public Safety.

Pursuant to this resolution, the following commission was issued to T. J. Devine, Sam. A. Maverick, P. N. Luckett, and James H. Rogers, clothing them with authority as therein set forth, and with the authenticated copies of the ordinance of the Convention raising the Committee on Public Safety, and clothing them with powers to appoint Commissioners, etc., and their authority, to exhibit to Gen. Twiggs.

STATE OF TEXAS, COUNTY OF TRAVIS.

By virtue of the authority vested in the Committee of Public Safety, as appears in the foregoing resolution, adopted by the Convention of the People of Texas, assembled in the city of Austin, on the twenty-eighth day of January, 1861—

You, T. J. Devine, Samuel A. Maverick, P. N. Luckett, and James H. Rogers, are hereby appointed Commissioners to visit Major-Gen. Twiggs, commanding the Eighth Military Division, stationed at San Antonio, and confer with him in the name and by the authority of the people of Texas

in Convention assembled, to demand, and receive, and receipt for all military, medical, commissary and ordnance stores under his control, within the limits of the State of Texas, exercising all due discretion for the securing and safe keeping of the same. To be held by you without diminution or injury, subject to the order of the Committee of Public Safety, and in obedience to the provisions of such rules or ordinances as the Convention may prescribe.

Given under my hand, and by order of the Committee of Public Safety, at the city of Austin, February fifth, 1861. J. C. ROBERTSON,

Chairman Committee of Public Safety.

[Attest] THOMAS J. LUBBOCK,
J. A. GREEN.

But lest Gen. David E. Twiggs should decline to surrender the Government property to the Commissioners, and delay might prove fatal to the enterprise, the Committee thought it prudent to elect Col. Ben. McCulloch to the military rank of colonel of cavalry, and commission him accordingly, which they did. The following is a copy of his commission:

AUSTIN, TEXAS, February 8, 1861.

The Committee do hereby appoint you, Ben. McCulloch, military officer, and order you to hold yourself in readiness to raise men and munitions of war, whenever called on by the Commissioners to San Antonio, and to be governed as directed by the secret instructions, given said Commissioners concerning said command, and you will station yourself at the residence of Henry McCulloch, and await the communications of said Commissioners, or the Committee of Public Safety.

J. C. ROBERTSON,

Chairman Committee of Public Safety.

The Civil Commissioners to San Antonio, T. J. Devine and others, were also furnished with secret instructions, to be followed by them should Gen. David E. Twiggs refuse to turn over to them the Government property. The following is a copy of said secret instructions:

COMMITTEE-ROOM, AUSTIN, February 6, 1861.

The Committee met at nine o'clock A.M. Roll called; quorum present.

The following instructions were presented to the Committee, and adopted:

To Messrs. Samuel A. Maverick, Thomas J. Devine, Philip N. Luckett, and James H. Rogers:

GENTLEMEN: The resolution of the Committee of Public Safety, by which you were appointed, gives the outline of your authority and duty. You are sensible that the trust reposed is of the highest responsibility, and involves the most delicate and important duties. In the discharge of that trust you will be governed by the following instructions:

I. You will repair immediately to San Antonio, the headquarters of Gen. Twiggs, in command of this department. You will ascertain from him his sentiments in regard to the existing state of affairs, and the position he intends to occupy in

reference to the withdrawal of Texas from the Federal Union. If he informs you that he intends to remain in the service of the Federal Government, and execute its orders against Texas, no further friendly conference with him will be desirable, and you will be governed in your conduct as hereinafter instructed; but if, on the other hand, he should express a determination not to remain in the service of the Federal Government after the fourth of March next, then

II. You will learn from him the terms and conditions upon which he will render up to the people of Texas the arms and public property under his control in Texas, or if he should suggest to you a plan for the peaceable accomplishment of that object, you are directed to adopt and observe such suggestions, if deemed by you practicable, and act in accordance with it. If, however, he should decline suggesting any plan of action, you will then,

III. Demand of him in the name and by the authority of the sovereign people of the State of Texas, a surrender of all the arms of every description, including quartermaster, commissaries, ordnance and medical stores, and military stores of every description, and money and everything else under his control belonging to the Federal Government.

IV. Should a display of force become necessary in order to make the demand, you will direct Col. Ben. McCulloch to call out and take the command of such force of the volunteer and minute men of the State as will be necessary for that purpose, and then repeat the demand; and, then, if the demand should be complied with, you will take charge of everything turned over to you, taking a complete inventory, and executing all necessary receipts. You will do everything in your power to avoid any collision with the Federal troops, and to effect the peaceable accomplishment of your mission, and for this purpose he shall obey your instructions.

V. If Gen. Twiggs should indicate a desire not to turn over to you such military stores, arms, and other public property, until after the second of March next, but a readiness to do so then, you will then enter into an agreement to the effect that everything under his command shall remain in "*statu quo*" until that period—that no movement, change of position or concentration of the troops under his command will be allowed, that none of the arms, ordnance, commissary or military stores or other property shall be removed or disposed of. If he refuses to make such arrangements, you will see that no such movement, change, concentration or removal, shall take place, and you are authorized to use every means to prevent the same.

VI. If, after conferring with Gen. Twiggs, you should be of opinion that military force is necessary, you will immediately proceed to assemble the same and communicate by express to this Committee. Should the property be turned over to you, you will employ all the necessary clerks and other persons to take charge of the same. You will also raise a military force of volunteers

or minute men, to guard the same safely while it shall be controlled by you.

You are instructed to take the most special care that nothing shall be wasted or destroyed, but that everything be faithfully guarded and held for the use of the State, and to be accounted for.

Whatever military force that shall be raised, must be kept in strict subordination; and no violation of person or property of any person must under any circumstances be allowed.

If, after your arrival at San Antonio, circumstances shall occur which are not covered by the foregoing instructions, you will immediately report to the Committee for further orders, unless they be so urgent as not to admit of delay, in which event you must use your discretion, but immediately report your course of action.

You will take all pains to ascertain the tone and temper of the officers and men of the Federal army, and may give them the assurance of the influence of Texas in securing to them the same or higher grades in the service of the Southern Confederacy, as those now held by them, if they are inclined to accept the same.

Take every pains to conciliate them and attach them in sentiment to the cause of Texas and the South.

You will avoid every appearance of making a proposal to Gen. Twiggs, or any other officer under his command, which would wound a soldier's pride and honor. They should, however, be reminded that they have been stationed in Texas for the protection, and not the subjugation of her people, and that patriotism is incompatible with warring against the liberties of their fellow-citizens.

You are specially charged, in the performance of the service assigned you, that you will do nothing that will conflict with the powers herein conferred. You will from time to time make full and complete reports to this Committee.

J. C. ROBERTSON,
Chairman Committee of Public Safety.

Vested with the authority contained in the commission and secret instructions, three of the Commissioners, to wit: T. J. Devine, Sam Maverick, and N. P. Luckett, on the sixth day of February, set out for San Antonio. On the eighth of February, said Commissioners forwarded by express to the Committee, the following communication:

SAN ANTONIO, February 8, 1861.

J. C. Robertson, Esq., Chairman Committee of Public Safety:

The undersigned, in accordance with their instructions, called on Gen. D. E. Twiggs, and by his request met him at two o'clock this afternoon; and, in presence of Major Nichols, we stated our mission and presented our credentials, (which Gen. Twiggs did not ask or evince the slightest desire to have read to him, or even to look at,) and carried out our interview in accordance with the letter and spirit of our instructions as nearly as practicable.

Gen. Twiggs expressed himself strongly in fa-

vor of Southern Rights, and caused copies of his letters to the War Department to be read to the Committee, in which he asserts that he will not be instrumental in bringing on civil war, and a great deal more in that line which may mean something or nothing, according to circumstance, and he very significantly asserted that we had not seceded.

He expressed a willingness to keep everything under his control as it now is, until the second of March next, and would give us information if he should be superseded; and, in the event of the State being in favor of secession, would, on demand made by the Convention, deliver all up, but expressed a fixed determination to march the troops under his command out with all their arms, transportation facilities, and extra clothing to be delivered to them, etc.

The undersigned, after considerable conversation on the subject of their mission, retired for consultation; and being desirous of avoiding, if possible, the necessity for collecting a force around the city, for the purpose of compelling a delivery, Mr. Maverick was deputed to obtain from the General a statement, in writing, of what he was willing to do, in the hope that it would, under our instructions, be admissible. He refused to make any statement or give any pledge in writing.

Upon ascertaining this fact, we determined to send an express, without delay, to Col. Ben. McCulloch, to bring as large a force as he may deem necessary, and as soon as possible, to San Antonio.

The substance of Gen. Twiggs's conversation or verbal offer was this: "That he will hold things as they are, and will, if in command on the second of March next, deliver to the Commissioners all the public property that is not desirable or convenient for him to carry away on or after that time."

He professed great admiration for the manhood, soldiership and patriotism of Gen. Scott, and is evidently inclined to imitate him in the present crisis in many respects.

He is, no doubt, a good Southern man, as far as hatred to Black Republicanism can make a man such. There is, however, a higher element than hatred. We do not know to what extent that sentiment prevails with Gen. Twiggs, but we are of opinion that Gen. Twiggs will not permit it to interfere with what he believes to be due to himself.

He spoke, during the interview, of his feeble health; of his having received an offer from Georgia for a command in that State, and of his having refused it on the ground of ill-health. He referred to the great expenditure of the army, exclusive of the pay of the troops—said it is more than a million and a half—and enquired where Texas could obtain means to meet that outlay, which she would lose by seceding. These, and other remarks on the question, by him, forced a somewhat unwilling conviction on the minds of the undersigned, that he was decidedly averse to the secession of Texas. He mentioned the omission of Capt. Ross to do full justice to Serg't Spangler, and the omis-

sion of Gov. Houston to give credit to Major Van Dorn for his success in the Comanche fight, and remarked that these were indications of the temper of Texas towards the officers and men of the army. The conclusion we have arrived at is this: That we must obtain possession of that which now belongs to Texas of right by force, or such a display of force as will compel a compliance with our demands, and that without an hour's unnecessary delay. In all these movements, celerity, secrecy and strength, should be our motto.

If there are any men to spare on or near the Colorado, we think it would be well for them in as large numbers, and as speedily as possible, to move towards the city, to support, if necessary, Col. McCulloch's movements. Whatever is to be done up north, it is well should be done speedily. You had better inquire of Messrs. Hall and Hyde, of the Legislature, the condition of Forts Bliss and Quitman; as the men and munitions in those Forts could be moved, without delay, to New-Mexico—giving to the Federal Government, at Washington, a large body of troops to hold that country against the Southern movement, and thus build up a Free State to injure and annoy us in the not very remote future. By referring to the enclosed order, you will perceive Gen. Twiggs is preparing for a move. We are decidedly of the opinion, for the reasons set forth, with reference to New-Mexico, that it will be unwise to permit a single company of United States troops to march from any portion of Texas into New-Mexico. If the officers are determined to carry them to aid Lincoln's Government, let them go by the way of the coast, or we can disband them, if we so decide. We repeat it, we must not let a single company from Fort Bliss to Fort Brown, leave the State by the Kansas, New-Mexico, or any other route, save the coast.

The Captain commanding the Ordnance Department, at this point, is not friendly to our cause. He is said to be in possession of about forty thousand dollars, for the construction of the United States Arsenal. What do you suggest respecting his being compelled to deliver it up, if in his possession, and what course do you suggest in the premises?

We would like to have any suggestions or instructions you may consider necessary. We would adhere to them, if circumstances demanded it, (if in our power;) if not, we will do what the emergencies of the hour demand, doing what we believe to be our duty, and leaving the consequences to God. In haste, we remain yours, etc.,

THOMAS J. DEVINE,
S. A. MAVERICK,
P. N. LUCKETT.

On the ninth of February, the Committee forwarded, by express, the following instructions to Col. Ben. McCulloch, the military commander, in addition to those contained in the secret instructions to the Commissioners. It was thought prudent and expedient to enlarge his sphere of action, since it was now evident that he was called into the field.

To Col. Ben. McCulloch:

SIR: Having received information that the Commissioners, Sam. A. Maverick, and others, sent to San Antonio, to confer with Gen. Twiggs, have, under their instructions, called you into the field, the Committee have resolved to confer upon you the military commission of Colonel of cavalry, to date as of the third inst., in the District embracing a point on the Rio Grande, half-way between Forts Duncan and McIntosh, and with the frontier to Fort Chadbourne, including San Antonio and all intermediate posts; and in addition to the instructions given to the Commissioners heretofore, (with whom you are advised freely to confer on all subjects of interest as far as possible,) you are instructed that should it be deemed advisable to retain any portion, or all of the Federal troops, in your District, in the temporary service of the State, you can do so; and assure them that Texas will use her best endeavors with the Southern Confederacy to be formed, to have them incorporated into the army of said Confederacy, with the same rank now held by them.

In case any or all of them should express a desire to depart from the country peaceably, you may permit them so to do, upon such terms as will not dishonor them, and as will insure the public safety, and in such manner as will insure safety to their persons and property. The Committee also desire, that the Commissioners will, under the powers heretofore given them, furnish such aid and assistance, as may be deemed necessary.

In all other matters, not contained in these or the previous instructions, you will observe your best judgment and discretion in any emergency which may present itself.

Any information that you may desire to give to the Committee, will be expressed to John C. Robertson, Galveston, Texas.

JOHN C. ROBERTSON,
Chairman Committee of Public Safety.

[Attest] R. T. BROWNIGG,
Secretary to Committee.

On the tenth February, said Commissioners to San Antonio, sent the following communication to the Committee:

SAN ANTONIO, Feb. 10, 1861.

John C. Robertson, Chairman Committee of Public Safety:

DEAR SIR: We have nothing to communicate since our letter of the eighth, unless it be the receipt of a communication from Col. McCulloch, informing the undersigned of his having received our communication, and that he expected to be at or near Seguin on the thirteenth or fourteenth, with whatever force he could raise.

After despatching our communication to you, we determined if possible to prevent the necessity of resorting to a display of force around this city; and with that object in view, we again communicated with General Twiggs in writing, requesting from him a written statement of what he was willing to do. The answer to this was an order to Major Vinton, Major Macklin, and Capt. Whiteley, to confer with the undersigned to transact

such business as relates to the disposition of public property. On the receipt of this communication, on the morning of the ninth, we replied that we would meet the military commission at twelve o'clock that day, at such place as they might designate, and if that hour did not suit their convenience, then at such time and place as they might designate that afternoon. The answer expressed a desire to meet the Committee at Gen. Twiggs's, at ten o'clock A.M., on the eleventh. We will to-morrow present our request in writing, and the answer will enable the Committee to judge with a reasonable certainty whether the whole preceeding is not intended for delay, until Gen. Twiggs can call in several companies from the outposts, and the additional reinforcements of several soldiers *en route* with a provision-train from the coast for Arizona. Upon one point Gen. Twiggs is fixed, and apparently unalterable, that is, that the troops in Texas under his command, shall retain *all their arms*, with the means to carry them out of the State.

What do you think of that? Please give the views of the Committee on this and every other subject connected with our mission, as fully and speedily as possible. We again repeat, that it is not desirable that a single company of United States troops shall move to New-Mexico or Arizona. If the troops of the Northern Government concentrate in either of those territories, we believe, from their peculiar position, that it will fix their status as "free soil" territories, and leave us a nest of hornets to deal with in future.

We will require means for the subsistence of the troops that may be called out by Gen. McCulloch, or from this city and vicinity; we desire some information on this point, as your Committee must be aware that the readiness with which the necessary expenses are met in the commencement, may have a salutary influence in many respects upon our cause in the future.

If there is any action had, or information obtained respecting the northern posts, it might be desirable that we should be put in possession of such information, as it may influence our action materially. Very respectfully

THOS. J. DEVINE,
S. A. MAVERICK,
P. N. LUCKETT.

To this communication the Chairman of the Committee returned the following answer, which met with the approbation of the Committee:

AUSTIN, TEXAS, February 12, 1861.

Thomas J. Devine, S. A. Maverick, P. N. Luckett, Commissioners.

GENTLEMEN: Your letter bearing date of the tenth inst., to me, has been received. In view of the Committee's departure this afternoon, for Galveston, they cannot be got together, even if it were necessary. The result of the action of the Committee on the subjects contained in this communication, I think is full, and hope will meet your views. The Committee do not desire to dishonor the army, by requiring anything of them which would seem to do so. If you have

to resort to force, (actual,) and are successful, then we suppose, of course, they would be vanquished and submit to your terms; but if you treat with them as gentlemen, as equals, of course we would not desire anything dishonorable to be yielded by them. But this is mere speculation on my part. The instructions, we think, will meet with your views; if not, you have a large discretion. As to whether they should be permitted to go out into Arizona and New-Mexico, the Committee have very wisely left that matter discretionary with you. It is the opinion, however, of some of the Committee, that it can make but little difference in which direction they leave the country.

It is suggested that they might land below the mouth of the Rio Grande, and travel up into Arizona and New-Mexico; beside, if it is the policy of the United States of the North to concentrate a force in those territories, we could not prevent it by requiring these to go by way of the coast. It is a matter of some importance to know how they could subsist in those territories at this time. The productions of those territories could not subsist them a week without ruin to the few who are there. Many of the Committee do not think Gen. Twiggs so recklessly regardless of his native South, as to inaugurate a guerrilla warfare upon her border. But, gentlemen, you are in the midst of the circumstances, and can best judge of what to do. Relying upon your wisdom and prudence, we leave it with you.

We will start to-day for Galveston, where we hope to get some money, and if successful, we will promptly express a part to you.

In behalf of the Committee I assure you of our sincere desire for your success in your patriotic enterprise, and of our personal regard for each of you.

I have the honor to remain your obedient servant,

JOHN C. ROBERTSON,
Chairman Committee of Public Safety.

The Committee remained in painful suspense, and looked with no ordinary anxiety for the next news from said Commissioners and from Colonel McCulloch, believing, as they did, that a conflict was inevitable. The Committee felt many gloomy forebodings; not that they doubted the result of the conflict, for they had every confidence in the gallantry and chivalry of the Texas volunteers, and in the military skill, prudence and bravery of the officer in command. The Committee likewise drew great consolation from their reliance upon the prudence and wisdom of the Commissioners. The Committee were happily relieved by the following communication from the Commissioners, which is submitted with the accompanying documents.

SAN ANTONIO, February 18, 1862.

Hon. J. C. Robertson, Chairman of Committee of Public Safety:

SIR: We have at last completed the principal part of the business confided to our management. In our communication of the eighth inst., we informed you that we had called in the aid of the vol-

unteer force under Col. Ben McCulloch; he arrived on the Salado, five miles from this city, on the evening or night of the sixteenth inst., with about five hundred men, and marched into town about four o'clock p.m., with about one half of his force, when he was joined by about one hundred and fifty K. G. Cs., and about the same number of citizens who were not members of the order, and about the same number from the Medina, Atascosa, and the country west of this city. At five o'clock the men were in positions around the Arsenal, the Ordnance, the Alamo, and the quarters in the Commissary buildings occupied by one company of the Federal troops, and at the same time, the tops of the buildings commanding the Arsenal and ordnance ground were occupied.

We, in accordance with our instructions, repeated the demand, and after a considerable delay, came to an arrangement with Gen. Twiggs, the substance of which was, that the United States troops in San Antonio—one hundred and sixty in number—should surrender up the position held by them, and that all public property under the command of the officer in San Antonio to be delivered over to the undersigned—the troops to retain their side-arms, camp and garrison equipage, and the facilities for transportation to the coast, to be delivered on their arrival at the coast.

This morning we effected an arrangement with Gen. Twiggs, by which it is agreed that all forts in Texas shall forthwith be delivered up, the troops to march from Texas by way of the coast, the cavalry and infantry to retain their arms, the artillery companies being allowed to retain two batteries of light artillery of four guns each, the necessary means of transportation and subsistence to be allowed the troops on their march towards the coast; all the public property to be delivered up. We might, possibly, have retained the guns at Fort Duncan by a display of force, which display of force would have cost the State eight times the value of the batteries of light artillery. Your instructions, however, counselled avoiding collision with the Federal troops, if it could be avoided. General Twiggs having repeatedly asserted, in the presence of the military commission and ourselves, that he would die before he would permit his men to be disgraced by a surrender of their arms; that the men under his command had never been dishonored or disgraced, and they never should if he could help it.

By this arrangement, at least thirteen hundred thousand of property will belong to the State, the greater portion of which would be otherwise destroyed or squandered. By this arrangement we are freed, without bloodshed or trouble, from the presence of the Federal troops; they cannot go to New-Mexico or Kansas, to fix free-soilism on the one, or to be the nucleus of a Northern army on the other, to menace our frontier in the future.

The labor performed by the undersigned in the business undertaken by them, has been neither light nor pleasant; we have adhered to the letter and the spirit of our instructions, and exercised our

discretion only when it became absolutely necessary. We had some anxious hours resting upon us from the time the volunteer force commenced closing around the city until after the surrender of the posts held by the United States troops. Our force must have been, at eight o'clock a.m., not less than one thousand one hundred men under arms, and a more respectable looking or orderly body of men than the volunteer force, it would not be easy to find. We have taken measures to secure the public property, and have authorized Major Sackfield Macklin, Paymaster U. S. A., and who, as you will perceive by the army list, stands high upon the same, to act as Adjutant and Inspector-General and Chief of Ordnance, combining the business of three departments in one. This economises expense, and gives the State, for the present, the services of a man competent to the duties assigned him, capable of preventing the confusion and consequent loss that would fall upon the State by the appointment of an incompetent person. Major Macklin is a true Southern man, he resigns his commission in the Federal army, giving up an income from that Government of nearly four thousand dollars per annum. We address him as colonel, for the purpose of giving him an honorable stand in his expectations or claims upon the Southern Confederacy, in some future military appointment. His appointment by the undersigned lasts until set aside by you or the Convention's order. Please let us know whether you approve of this action. Capt. Reynolds has been acting as Asst. Quartermaster, at San Antonio; he will resign his commission as captain in the United States army. We have, for the same reasons set forth in Major Macklin's case, appointed him Chief Quartermaster, and have combined with the former duties the labor of the commissary department, which has heretofore had a first and second assistant commissary. We have likewise consolidated with his duties, the office of military store-keeper, narrowing down the expense as much as possible. A building, rented by the United States Government as a commissary department, soldiers' quarters, general staff, etc., we have determined to release the State from any liability for, as the commissary stores can be stored in the Alamo buildings: said buildings rent for six thousand dollars a year. In furnishing the United States troops transportation facilities, the officers representing the State will be busily employed for some time. When we can obtain a breathing spell, we will go further into details, we will select agents to give receipts and hold the public property left at the posts, until otherwise directed.

We remain, respectfully, etc.,

THOMAS J. DEVINE,

S. A. MAVERICK.

P. N. LUCKETT,

Commissioners on behalf of the Committee
of Public Safety.

The following report from Col. Ben McCulloch is herewith also submitted:

HEADQUARTERS MIDDLE DIVISION STATE FORCES,
SAN ANTONIO, TEXAS, }

Hon. J. C. Robertson, Chairman of Committee
of Public Safety :

SIR: On the receipt of the order of the Commissioners, calling on me to raise men for the purpose of securing the property, arms, etc., of the United States, at San Antonio, immediately I proceeded to take steps to collect such a force as would be sufficient to accomplish the purpose. To Texans, a moment's notice is sufficient, when their State demands their services.

On the night of the fifteenth inst., by twelve o'clock, a force of near four hundred men, from the adjacent counties, had assembled on the Rio Salado. At three o'clock A.M., sixteenth, we took up the line of march for the city. At four o'clock, when near the suburbs, ninety men were ordered to dismount and enter the city on foot, when I posted them in such positions as commanded those occupied by the Federal troops; the main body came in on horseback; at daylight, several volunteer companies of San Antonio turned out promptly, and cooperated with us to aid the State. Orders were given to the troops under my command, not to fire until fired upon. In a very short time it was ascertained that no resistance would be offered. The Federal troops were requested to keep within their quarters until the Commissioners should agree upon the terms by which the arms and other property of the Federal Government should be surrendered to the State.

This was decided by the Commissioners and Gen. Twiggs, before twelve M.: wherefore I instantly informed the forces under my command of the fact, and of there being no necessity for their remaining away from their ploughs and other peaceful avocations. They left immediately for their homes, conscious of having rendered service to their State, and giving offence to no one save her enemies.

To make distinctions, where all acted so nobly, would be as unwise as unjust; but I cannot refrain from expressing my thanks to all for their gallant and prompt response to the call of their State, and my admiration for their orderly conduct whilst we held the city.

Having performed the duty assigned me by the enclosed order, I now report myself ready to perform such service as shall be assigned me by your Committee or the Commissioners appointed by you. The Commissioners having very kindly relieved me of many duties common to officers commanding; it being my duty only to organize and command such forces as may be necessary to secure and guard the public property in my division, in charge of persons appointed by the Commissioners to receive the same from the Federal officers.

I have this day appointed W. T. Meckling, my Assistant-Adjutant General, with the rank of captain. I am, sir, very respectfully,

Your obedient servant,

BEN McCULLOCH,
Colonel Commanding.

HEADQUARTERS DEPARTMENT OF TEXAS,
SAN ANTONIO, February 15, 1861. }

GENERAL ORDERS No. 5.

The State of Texas having demanded through its Commissioners, the delivery of military posts and public property within the limits of this command; and the Commanding General desiring to avoid even the possibility of a collision between the Federal and State troops; the posts will be evacuated by their garrisons, and these will take up, as soon as the necessary preparations can be made, their line of march out of Texas by way of the coast—marching out with their arms, (the light batteries with their guns,) clothing, camp and garrison equipage, quartermaster's stores, subsistence, medical hospital stores, and such means of transportation of every kind, as may be necessary for an efficient and orderly movement of the troops, prepared for attack or defence against aggressions from any source. The troops will carry with them provisions as far as the coast.

By order of Brevet Major-Gen. Twiggs.

U. A. NICHOLS,
Assistant Adjutant-General.

SAN ANTONIO, February 15, 1861.

The undersigned, Commissioners on the part of the State of Texas, fully empowered to exercise the authority undertaken by them, have formally and solemnly agreed with Brevet Major-Gen. David E. Twiggs, United States Army, commanding the Department of Texas, that the troops of the United States shall leave the soil of the State by the way of the coast; that they shall take with them the arms of the respective corps, including the battery of light artillery at Fort Duncan, and the battery of the same character at Fort Brown; and shall be allowed the necessary means for regular and comfortable movement, provisions, tents, etc., etc., and transportation.

It is the desire of the Commission, that there be no infraction of this agreement on the part of the people of the State. It is their wish on the contrary, that every facility shall be afforded the troops. They are our friends. They have heretofore afforded to our people all the protection in their power, and we owe them every consideration.

The public property at various posts, other than that above recited for the use of the troops, will be turned over to agents to be appointed by the Commissioners, who will give due and proper receipts for the whole, to the officers of the army, whom they relieve from the custody of the public property.

THOMAS J. DEVINE,
P. N. LUCKETT,
S. A. MAVERICK,

Commissioners on behalf of the Committee
of Public Safety.

Your Committee herewith submit to the Convention, a full and complete report of the Commissioners to San Antonio, in regard to the subject of their mission.

SAN ANTONIO, March 2, 1861.

To John C. Robertson, Chairman of Committee of Public Safety:

SIR: The undersigned, Commissioners appointed by the Committee of Public Safety, to visit San Antonio, and confer with Brevet Major-Gen. David E. Twiggs, United States Army commanding Department of Texas, on the subject of the public property in the State under his control, and to command the delivery of the same, should it be deemed necessary, submit the following as a report of their proceedings and a statement of subjects connected therewith.

Having arrived in San Antonio, the Commissioners, on the evening of the seventh ult., communicated with Gen. Twiggs, when it was arranged that the next day should be the time for a formal interview with him, respecting the subject entrusted to their care. Upon calling on him, the subject of the visit and extent of the powers conferred upon the Commissioners were stated, and the present condition and future prospects of the State were set forth as reasons why the Federal property should be yielded up, and the Federal troops removed beyond the limits of the State. In answer to these views and demand, that officer stated that "Texas was not out of the Union, and would not be before the second day of March, that for his part he would obey the orders of his government, but would not draw his sword against the people of Texas, and referred his 'order book' for proof of his having so declared in his communications to the War Department." In reply to a question respecting his removal from Texas, he admitted that he might be superseded, and would only say that, "all should remain as it was until after the second of March, when if Texas seceded he would then deliver up to the regularly constituted authority of Texas, all the public property under his control, other than that required for the use of the troops on their march to New-Mexico." The credentials of the Commissioners were presented and their contents stated, but no intimation by word or gesture was given that he desired either to inspect or hear them read. The interview was prolonged for some time, but nothing more tangible was elicited, save his expressed determination to carry the troops to New-Mexico, and his resolve to lose his life sooner than permit them while under his command to be deprived of the arms pertaining to their respective corps. After the termination of the interview, the Commissioners upon consultation, deputed one of their number to call on Gen. Twiggs, and request from him a written statement of what he would be willing to perform on or after the second of March. He declined giving a written statement, but informed the Commissioner that a military commission would be selected to confer with the Commissioners, on the subject of the disposition of public property. Believing that Gen. Twiggs would neither do nor consent to anything being done that might possibly place him in a false, or an apparently false position, either before the Government whose interests he

represented, or before any portion of the American people, and being satisfied that the complications likely to ensue from the command of the department passing into other hands, or by reason of orders from Washington, being also of opinion that the labors of the undersigned and the Military Commission would result in nothing but delay, and that the best interests of Texas demanded that the troops, amounting to nearly three thousand, should not be permitted to march into New-Mexico, to hold and settle the condition of that territory as a free-soil region, or into Kansas to form the nucleus of an army to harass and waste our frontier, in the event of coercion being attempted by the Northern Government, and that over five hundred thousand dollars worth of transportation facilities, as likewise the cavalry horses, would be lost to the State, by permitting the Federal troops to pass into either New-Mexico, Kansas or the Indian Territory—it was determined that prompt and vigorous action was necessary. In view of this consideration, and in accordance with previous instructions, an express was despatched that evening to Seguin, calling on Col. Ben. McCulloch, to assemble as large a force of the volunteers and minute men of the State as could be immediately collected, and without delay to hasten to San Antonio. The next day a communication was received from Gen. Twiggs, informing the Commissioners that Major Vinton, Chief-Quartermaster, Major Macklin, Paymaster, and Captain Whiteley, Chief of Ordnance, were appointed to act as a Military Commission, to meet the undersigned respecting the disposition of the Federal property. A conference was had on this subject, which resulted only in expressions on the part of Major Vinton and Captain Whiteley, that it was proper and necessary that the troops should leave Texas by the Kansas route, that a considerable time would be necessarily consumed in arranging the heads of the various subjects to be discussed, and much time required to examine the different points raised. This conference terminated without any advance being made towards an agreement for the delivery of the Government property, or the departure of the troops from Texas, and resulted in nothing save an increased belief on the part of the undersigned, that delay was the object in view sought to be obtained by Gen. Twiggs, in appointing the Military Commission, and the end for which two of that body (Major Vinton and Capt. Whiteley) were acting. Two other interviews were had in which the same purpose was apparent, and at the last interview held, Major Vinton, in reply to a question by the Commissioners, as to when an answer would be given to their last communication, stated that, "a reply would be given some time between that day and the second of March." This closed the interviews, and a second express was sent to Col. McCulloch, with suggestions respecting his movements.

On the morning of the sixteenth, that officer entered San Antonio, with his command, and being joined by the city companies, and about one

hundred citizens of San Antonio, and those from the Medina and Atascosa—the Alamo, Commissary and Arsenal buildings were surrounded and commanding positions secured before daylight on the roofs of the adjoining buildings. At six o'clock A.M., a demand, in writing, in accordance with their instructions, was again made on Gen. Twiggs, for the surrender of all public property and posts, and the interview between that officer and the undersigned, resulted in the surrender of the posts held by the Federal troops, and the delivery of all public property in San Antonio to the Commissioners. The United States troops were permitted to retain their clothing, etc., etc., and marched out that evening to encamp at the San Pedro Springs, about one mile from the city, there to remain until transportation was furnished to convey them to the coast.

The property and posts in the city are held and guarded by seventy citizen soldiers. Negotiations were continued during the seventeenth, and on the evening of the eighteenth were terminated, by Gen. Twiggs agreeing that all posts held by the Federal troops, should be yielded to the Commissioners, as likewise all public property under his control; that the troops should retain the arms belonging to the respective corps, which included two batteries of light artillery, the clothing of the men, the necessary stores, etc., etc., for an orderly movement to the coast; the transportation facilities, on reaching the coast, to be delivered up to the agents authorized to receive them.

The arrangements entered into between the Commissioners and the General Commanding the Federal Troops in Texas, it is believed, are the best (so far as regards the safety of the State, its honor, and pecuniary interest) that could be made. At the same time, no humiliating conditions or unnecessary restrictions have been imposed on the officers of the late United States Government. The departure of the troops, by way of the coast, was viewed from the beginning, by the Commissioners, as a measure of precaution, coupled with a question of property—both ends having been attained. The permitting of two batteries of light artillery to leave the State, has been a subject of complaint on the part of some of our people. Those persons, however, do not consider or ignore the fact that these batteries belong to, and constitute as completely the arms of an artillery corps, as do the muskets of the infantry, or sabre, or carbine of the cavalry; that with Texas it was a mere question of property not exceeding eight thousand dollars in value; with Gen. Twiggs, his officers and men, it was a question of honor—a principle dear to the humblest as to the highest soldier in the army; that Gen. Twiggs had repeatedly declared that he would sacrifice his life sooner than see his men dishonored or disgraced by being deprived of their arms. It is true the eight guns could have been secured, but at a cost to the State of more than twenty times their value, in the maintenance and subsistence of the volunteer force, to which might

be added the probabilities of a collision with its attendant loss of life, and the grave consequences necessarily resulting therefrom. In addition to this, may be stated the loss to Texas of all the mule teams, cavalry horses, etc., at the upper posts of Bliss, Quitman, Davis, Stockton, Lancaster, Hudson, and Fort Clarke, which would have been carried with the troops at these posts into New-Mexico, with the humiliation of a distinguished and honored soldier, and the officers and men under his command.

For the correspondence between the undersigned, Gen. Twiggs, Col. McCulloch, and the Military Commission, see documents numbered from one to sixteen inclusive.

In estimating the value of the property secured to the State, no exact statement can be made of the amount remaining at the different posts, until inventories are received from the agents despatched to those points. The entire value secured to the State, may be estimated, at a fair valuation, as being worth not less than \$1,600,000. It consists as follows:

At the San Antonio Dépôt, cost of Arsenal grounds, buildings, and material of every kind on the ground, ...	51,500 00
Ordnance stores, including arms, powder and ammunition, of every kind, ...	282,132 26
Brass guns, howitzers, etc., etc., at different posts in Texas, ...	24,635 00
Quartermaster's stores, ...	178,666 00
Commissary stores, ...	19,702 87
Medical and hospital stores, ...	30,175 00
Soldiers' clothing, camp and garrison equipage, ...	194,997 26
Total amount of property at San Antonio, including cannon at different posts valued at \$24,635, ...	781,808 39
It is estimated that the mules, cavalry horses, transportation facilities, camels, provisions, and other property at the various posts, exclusive of buildings, will amount, at first cost, to not less than	700,000 00
Making, in all, available to the State for purposes connected with the defence of the frontier, and for other uses, should the same become necessary.	
Total, ...	\$1,481,808 39

The cost of placing the above property at its various locations, has cost the Federal Government not less than \$100,000.

Surplus of funds seized in San Antonio, estimated at \$23,472.

For lists of the above property, see exhibits marked A, B, C, D, E, F, G, H, I, J, and K.

For lists of person retained, for the present, in the public employment, in connection with the Quartermaster's and Commissary Department, see report of agent, marked Exhibit L.

The successor of Gen. Twiggs, Col. C. A. Waite,

arrived in this city a few hours after the negotiations with Gen. Twiggs had been closed. Since that time, the undersigned have been actively engaged in settling questions connected with the movements of the troops towards the coast, and arranging the necessary means for their transportation.

Competent persons have been selected to proceed to, and take charge of, the property at the posts about being abandoned by the Federal troops. Bonds, with sufficient securities, have been required and given, for the faithful execution of the duties entrusted to the agents. Small detachments of men, for the protection of the buildings and public property at each post, have been despatched under the orders of Col. McCulloch. The detachments sent to the different posts, vary in number from ten to twenty-five. They will remain at the points designated until further action is had by the Convention, or Legislature of the State. On this subject, see document number twenty-five.

On the morning of the twenty-fifth ultimo, information having been received that Capt. King, "U. S. A.," encamped with his company near this city, had enlisted a soldier to serve in the army of the late United States Government, a note was despatched to Col. Waite, demanding the immediate discharge of the enlisted man, and requesting that no further enlistments should be permitted by him in Texas. For his reply, announcing the discharge of the soldier, and stating that nothing of the kind would be permitted by him, see documents numbers 17 and 18.

In the performance of the duties confided to the undersigned, in reference to obtaining all public moneys or funds, the most determined unwillingness to give any information has been displayed by the disbursing officers in this city, with the exception of Major Macklin, Paymaster; Capt. Reynolds, Assistant Quartermaster, and Capt. W. B. Blair, Chief of Commissary Department.

On the evening after the surrender of the property and posts in San Antonio, the safe of Capt. Reynolds, in his office at the Alamo, was taken possession of. The amount of public funds contained therein is between nine and ten thousand dollars. This amount is more than covered by the debts previously contracted with and due citizens.

With a view of securing to the people of Texas the sums due them, and to prevent the money from being carried out of the State, as also with the intention of securing any surplus funds, and for the purpose of ascertaining the debts due our citizens, with the desire of having some reliable data upon which the State might act with reference to the honest or fraudulent claims that will, in all probability, be brought against her, as the recipient of the Federal property in Texas, the Commissioners repeatedly requested a statement from the disbursing officers, of the funds and credits belonging to their departments, with a list of the debts contracted by them in the State. On the twenty-second of February, 1861, the request was again made, and the questions set forth in

the document numbered twenty, were presented, and answers required. Capt. Blair, Commissary, and Major Macklin, Paymaster, have answered. By the answer of Capt. Blair, it will be seen that the debts exceed the funds and credits of his department. From the statement of Major Macklin, it appears that the sum of twenty-three thousand four hundred and seventy-two dollars will remain after all claims against his department have been liquidated. This money is supposed to be *en route* from New-Orleans to this city, and measures have been taken by the undersigned to seize and secure it. Upon receiving the answers of Capt. Blair and Major Macklin, the guard placed upon their offices were immediately withdrawn. See answers of Capt. Blair and Major Macklin, marked numbers twenty-seven and twenty-eight.

Major Vinton, Chief Quartermaster, Major McClure, Paymaster, and Capt. Whiteley, Chief of Ordnance, having refused to answer, or give any information on the subject, the guards placed upon their offices on the twenty-seventh ult., still remain. It is proper to state, that Major Macklin and Capt. Blair were willing, from the beginning of the enquiry, to make a statement, and that guards were placed at their offices more for the purpose of preventing invidious remarks, than from any other cause. For further information respecting the demands for public funds, see documents numbered from 2 to 28 inclusive.

In a previous communication, you were informed that Major Macklin had been appointed to take charge of the Ordnance Department, and to act as Adjutant and Inspector General, until further action by your body or the Convention. He has resigned his position in the United States Army, and has entered upon the duties assigned him. You were also informed that Capt. Reynolds had been appointed to control the Quartermaster's Department, etc. He has tendered his resignation, and is awaiting the action of the authorities at Washington. Messrs. Maverick and Luckett are at present, assisted by competent agents, performing the duties connected with the Quartermaster's Department.

The two companies of United States troops, formerly stationed in this city, passed through on their march to the coast this morning.

The expenses connected with the action of the Commissioners have been paid, or, to some extent, assumed by them, while the outlay caused by the transportation of the United States troops to the coast, will be paid by their officers. The expenses incident to the protection and management of the property now belonging to Texas must be paid by her. An estimate of the liabilities which have accrued, will be presented for your consideration. All needless expenses have been cut off, both as regards the rent of buildings and the employment of men. A still greater reduction will be made in a few days.

All of which is respectfully submitted.

THOMAS J. DEVINE,
P. N. LUCKETT,
S. A. MAVERICK,

Commissioners on behalf of Com. of Public Safety.

AUSTIN, March 6, 1861.

To Hon. John C. Robertson, Chairman Committee of Public Safety:

As a supplement to the preceding report, the undersigned would state that, having received information three days before the arrival of the force under Col. McCulloch, at San Antonio, that four wagons with arms and fixed ammunition had been despatched—two *via* Indianola for Fort Brown, and two for Fort Mason—a force was immediately sent in pursuit; the teams on the Indianola road were overtaken about forty miles, and those destined for Fort Mason about sixty miles from San Antonio, the wagons were brought to that city and their contents deposited in the Ordnance Department.

Having received information on the evening of the second inst., that depredations were being committed on public property at Camp Verde, by some of the soldiers of Company A, First Infantry, United States Army, a note was immediately forwarded to Col. Waite, informing him of the fact, and that such depredation was considered a violation of the stipulations entered into between Gen. Twiggs and the undersigned, and that the officers and men belonging to any company, committing any depredations in the future, would be held personally liable, and requested Col. Waite to remove the troops from that post without delay. Capt. Frank Hubert's company of Washington County volunteers, numbering twenty-five men, under the command of Lieut. Haynes, then in San Antonio, were directed to march next morning at daylight for Camp Verde, and there remain for the protection of the public property and buildings until further orders.

The public funds, alluded to in the preceding report, as being *en route* from the coast to San Antonio, were seized by a portion of Capt. Edgar's Company of Alamo Guards, acting under the orders of the Commissioners, on the morning of the fourth inst., and are now in the Alamo buildings under guard, subject to the action of the Convention. See report of Commissioners, Exhibit W.

In conclusion, it may be proper to add, that in view of the uncertainties connected with the attempt to force the General commanding the Federal troops in Texas into a surrender of the positions held by the troops under his command, and a delivery of the public property under his control in Texas, without bloodshed—the consequences resulting from which no man could foresee—the city authorities deemed it proper and necessary to close all places of public resort in the city of San Antonio, upon the arrival of the troops under the command of Col. McCulloch, and during the time the troops raised in the city, as well as those from other counties, remained under arms.

In connection with this subject, it may be added, that a more orderly body of men, under similar circumstances, never appeared under arms; their conduct throughout was of a character well calculated to reflect the greatest credit upon themselves and the cause, to uphold which, they had

left their homes and appeared in arms.—All of which is respectfully submitted. T. J. DEVINE,
On behalf of the Commissioners.

It will thus be seen that all the United States troops, stationed on the Indian frontier, and the frontier bordering on Mexico, along the Rio Grande, have been removed, and are on the line of march to the Gulf coast. The moral of their presence to prevent Indian depredations having been destroyed, it is thought that the frontier is in most imminent danger, and they have evidence of very recent murders in that region.

The Committee believe that the people along the whole line of the frontier are true and loyal to the cause of the South, and look with intense anxiety for the Convention to furnish them with immediate and prompt protection. Encouraged and aided by the enemies of Texas, the Indians will, unless timely assistance be furnished, commit the most horrid depredations. With the view of rendering to the frontier this protection, and that it may be accomplished speedily and efficiently, as well also to show to the Government of the Confederate States, of which we hope soon to become a member, that we are not unmindful of what is due to our people; and as an indication to that government of what is expected for our defence, and particularly to save the lives of our women and children in that region, the Committee instruct me to report an Ordinance for the raising of volunteer forces, which they hope the Convention will find it expedient to adopt.

I have the honor to remain, very respectfully,

JOHN C. ROBERTSON,
Chairman Committee of Public Safety.

Correspondence between the Commissioners to San Antonio, Gen. Twiggs and the Military Commission:

SAN ANTONIO, February 8, 1861.

DEAR SIR: In reference to the interview which the undersigned had with you this morning, in the presence of Major Nichols, in regard to the public property and your disposition to keep the same in its present position until March second, proximo, the undersigned beg you will be so kind as to give them, in writing, such statements as you may deem material and proper on that subject.

With high consideration,

Your obedient servants,

THOMAS J. DEVINE,
SAMUEL A. MAVERICK,
P. N. LUCKETT,

Commissioners on behalf of the Convention of the People of Texas.

To Major-Gen. D. E. TWIGGS,

Commanding Department of Texas.

HEADQUARTERS DEPARTMENT OF TEXAS,
SAN ANTONIO, February 9, 1861.

To Messrs. Thomas J. Devine, Samuel A. Maverick, and P. N. Lockett, Commissioners on behalf of the Convention of the People of Texas, San Antonio, Texas:

GENTLEMEN: I am directed by the Commanding General of the Department, to acknowledge the receipt of your communication of the eighth inst., and to inform you, in reply, that he has this day appointed a military commission to meet

the Commissioners on behalf of the Convention of the people of Texas, to transact the necessary business respecting the disposition of the Federal property.

I am, gentlemen, very respectfully,

Your obedient servant,

U. A. NICHOLS,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF TEXAS, }
SAN ANTONIO, February 9, 1861. }

SPECIAL ORDERS, No. 20.

A Military Commission, to consist of Major David H. Vinton, Quartermaster, Major Sackfield Macklin, Paymaster, and Captain Robert H. K. Whiteley, Ordnance Department, is hereby appointed to meet the Commissioners on behalf of the Convention of the People of Texas, Messrs. Thomas J. Devine, Samuel A. Maverick, and P. N. Luckett, at such times and places as may be agreed upon, to transact such business as relates to the disposition of the public property, upon the demands of the State of Texas. By order of
Brevet Major-Gen. TWIGGS.

U. A. NICHOLS,
Assistant Adjutant-General.

SAN ANTONIO, February 9, 1861.

GENTLEMEN: We have the honor to acknowledge the receipt of your communication of this date, in which you appoint twelve o'clock to-day, or any hour this afternoon, for meeting you to consider the business connected with our several commissions. We regret that we have not been able to conform to your appointment. The want of instructions from Major-Gen. Twiggs, delayed by untoward circumstances, will prevent our meeting you to-day; but we will, if it suits your convenience, have the honor to receive you at Gen. Twiggs's office, on Monday, at nine o'clock A.M., to enter upon the business you may then lay before us.

We are, gentlemen, most respectfully,

Your obedient servants,

D. H. VINTON,
Major and Quartermaster.

SACKFIELD MACKLIN,
Paymaster U. S. Army.

R. H. K. WHITELEY,
Captain of Ordnance.

To MESSRS. T. J. DEVINE, SAMUEL A. MAVERICK,
P. N. LUCKETT,
Commissioners on behalf of the People of the State of Texas,
San Antonio, Texas.

SAN ANTONIO, February 11, 1861.

To Major D. H. Vinton, Sackfield Macklin,
Capt. R. K. Whiteley, Military Commission:

GENTLEMEN: The undersigned, by virtue of the powers vested in them, do now demand of you, in the name and by the authority of the sovereign people of the State of Texas, in Convention assembled, as they have heretofore demanded of Brevet Major-Gen. Twiggs, Commanding in the Department of Texas, a delivery of all the arms of every description, military stores, including quartermaster's, commissary and medical stores, and public moneys, and everything else under the

control of the General in command, belonging to the Federal Government.

If an affirmative answer is not given to this demand, the following questions are submitted for your consideration, and answers to the same are respectfully required:

Do you consent and agree to the following stipulations?

1st. That everything under the control of the Commanding General in the Department of Texas shall remain *in statu quo*, until the second day of March next?

2d. That no movement, change of position, or concentration of the troops shall take place?

3d. That none of the arms, ordnance, military stores, or other property, shall be disposed of before that time—ordinary consumption excepted?

4th. That upon the second of March, the public property in Texas shall, without delay, be delivered up to the undersigned or such other Commissioners who may be authorised to act on behalf of the Convention?

An answer is respectfully required.

We remain, gentlemen, very respectfully,

Your obedient servants,

THOMAS J. DEVINE,

S. A. MAVERICK,

P. N. LUCKETT,

Commissioners on behalf of the Convention.

SAN ANTONIO, February 12, 1861.

To Messrs. Thomas J. Devine, S. A. Maverick,
P. N. Luckett, Commissioners on behalf of the
Convention of the People of Texas:

GENTLEMEN: We, the Military Commission, appointed by Major-General Twiggs, have had the honor to receive your communication of the eleventh inst., while in convention, demanding of us, "in the name and by the authority of the sovereign people of Texas, in Convention assembled," a delivery of "all arms of every description, military stores, including quartermaster's, commissary and medical stores, and public moneys, and everything else under the control of the General in command, belonging to the Government;" adding that, "if an affirmative answer is not given to this demand," you submit the following questions for our consideration and reply, viz.:

"Do you consent and agree to the following stipulations:

"1st. That everything under the control of the General commanding in the Department of Texas, shall remain *in statu quo*, until the second day of March next?

2d. That no movement, change of position, or concentration of the troops shall take place?

"3d. That none of the arms, ordnance, military stores, or other property, shall be disposed of before that time, ordinary consumption excepted?

"4th. That upon the second of March, the public property in Texas shall, without delay, be delivered up to the undersigned, or such other Commissioners who may be authorised to act on behalf of the Convention?"

To the first of the foregoing interrogatories, we have the honor to state, that we are willing that

everything shall remain in *statu quo* until the second of March next; provided, that the General commanding the Department shall not receive orders from higher authority than himself to remove the troops from Texas, or find it necessary to resist the inroads of marauding parties of Indians, the enemies of Texas and of our common country, or attacks upon the troops or military posts in Texas, by irresponsible parties coming from any quarter whatever.

With regard to your second proposition, it is hereby agreed, that no movement or change of position of the troops shall take place, unless the Commanding General shall find it necessary to act under the contingencies mentioned in the next preceding answer.

To the third question we reply, that as it is not the intention of the Commanding General to dispose of, or to place out of the reach of the authorities of Texas, any of the property otherwise than to meet with it the common wants of the military service, so do we agree to your proposition.

And to your last inquiry we have to remark, that a compliance with the demands of Texas, whether made through you or other Commissioners, appointed for the purpose, will be yielded under the following conditions, viz.: That the moneys in the hands of disbursing officers being out of the control of the Commanding General, and considered as peculiarly a matter of individual accountability to the Treasury of the United States by those officers, involving the responsibility of their bondsmen, and being necessary for the payment of the troops and debts already contracted in Texas, they will not be relinquished on the demand of Texas. That the troops now in the Department of Texas shall retain their legitimate arms in possession, and march out of Texas with them; the requisite ammunition, clothing, and camp and garrison equipage, quartermaster's stores, subsistence, medical and hospital stores, and such means of transportation of every kind as may be necessary for an efficient and orderly movement of the troops from Texas, prepared for attack or defence against aggression from any source. That the officers of the General Staff at Department headquarters, their families and movable property, shall be transported in their egress from Texas, by the public means now at this dépôt, which means shall be retained for that purpose; and when such service shall have been performed, the said means shall be surrendered to the regularly authorized persons to receive them. That all property delivered up to the authorities of Texas, under the foregoing stipulations, shall be receipted for by agents appointed by said authorities.

We are, gentlemen, very respectfully your obedient servants,

D. H. VINTON,
Major and Quartermaster.
SACKFIELD MACKLIN,
Paymaster U. S. Army.
R. H. K. WHITELEY,
Captain of Ordnance.

SAN ANTONIO, February 14, 1861.

*Major D. H. Vinton, Major Sackfield Macklin,
Capt. R. H. K. Whiteley, Military Commission
acting on behalf of Major-Gen. D. E. Twiggs:*

GENTLEMEN: The undersigned Commissioners on behalf of the Convention of the State of Texas, acting through the Committee of Public Safety, have had the honor to receive your communication of the thirteenth inst., while in conference, and have the honor to reply to the answers contained in your note as follows: We are unable to accept as satisfactory your answer to that question in our note of the eleventh instant, relating to the movement or position of the troops in Texas, as your reply, by a reasonable construction of its language, if not in express terms, asserts the right and intention of the General in command of the Department of Texas, to make any movement by the troops that may be ordered by an authority higher than himself. The question is consequently left unanswered as far as relates to the object which the undersigned had in view in presenting this question for consideration, which object was fully set forth in the conference of the eleventh inst. If the question be considered as answered by your reply to it, then the undersigned are constrained to consider it as a substantial denial of their demand on that subject.

The non-acceptance of the terms contained in your second answer, rests upon the same reasons as those set forth in reply to your first answer. The third answer is as the undersigned had reason to believe it would be, and is accepted.

The terms embraced in your reply to our last inquiry, are accepted, with the following conditions: First, that all moneys in Texas, for the payment of troops, or the liquidation of debts of every description, incurred on behalf of the Federal Government, shall be considered applicable to those purposes, and be turned over to the Commissioners for their disposal accordingly, and guarantees will be given by the undersigned, for the prompt payment of the same, and all funds in Texas, held for the Federal Government, not included in the above exception, shall be given up and receipted for by the undersigned. That portion of the last answer is accepted, which claims the retention by the troops in Texas of their arms and clothing, camp and garrison equipage, quartermaster's stores, subsistence, medical and hospital stores, and such means of transportation of every kind, as may be necessary for an efficient and orderly movement of the troops from Texas, prepared for attack or defence from any source; provided the troops shall march to the coast, in detachments of not more than two hundred, each detachment to be at least three days' march apart; and upon arriving at the point or points of embarkation, the teams or means of transportation, with the artillery, (if any be taken by the troops,) shall be delivered up to the agent appointed to receive and receipt for the same. The remaining portion of the last answer, relating to the means of transportation

for the officers, their families, servants and property, is accepted according to its terms.

We are, gentlemen, very respectfully, your obedient servants,

THOMAS J. DEVINE,
P. N. LUCKETT,
S. A. MAVERICK,
Commissioners on behalf of the Committee
of Public Safety.

SAN ANTONIO, February 15, 1861.

*To Messrs. T. J. Devine, Samuel A. Maverick,
P. N. Luckett, Commissioners on the part of
the Convention of the People of Texas:*

GENTLEMEN: In acknowledgment of your communication of the fourteenth inst., wherein you disagree to certain points in our letter of the twelfth inst., the undersigned have the honor to say, that the conditions you prescribe for the movement of the Federal troops from Texas, will necessarily check, for a short time at least, further conference with you on that subject, inasmuch as it is one over which we have no control.

The Commander of the Department, whoever he may be, whether acting under his own judgment, or by the advice or instructions of his superiors, has exclusive authority in such cases; and to him must we refer the present one, with a report of all our proceedings, for his approval or disapproval; and in view of an immediate change of commanders of the Department of Texas, Gen. Twiggs having been superseded by Col. Waite, all the proceedings of the Military Commission appointed by the former officers, must be submitted for the consideration and sanction of the latter, whose duty it will be to execute whatever measures may be recommended and adopted under the action of that Committee.

The undersigned would respectfully remark, that they cannot but regret that the reasons given in objection to the relinquishment of the funds in the hands of the Federal disbursing officers, have not met with acquiescence on the part of your Commission, they can only hope that upon reconsideration your views may undergo a change. Under any circumstances we hope that the Commissioners appointed by the Texas Committee of Safety, will exert their influence to avert violence, either on the part of any irregular forces or organized military parties of whatever size. Believing that everything may be done in a manner, honorable to the present contending parties, and for the quiet and safety of the community in which we reside, we have full faith that your Commission will so act as to bring about results which may prevent a collision between the troops of Texas and those of the Federal Government.

We are, gentlemen, very respectfully,

Your obedient servants,

D. H. VINTON,
Major and Quartermaster.
SACKFIELD MACKLIN,
Paymaster U. S. Army.
R. H. K. WHITELEY,
Captain of Ordnance.

SAN ANTONIO, TEXAS,
February 16, 1861, 6 o'clock A.M. }

To the Officer in Command of the Department of Texas:

SIR: You are hereby required in the name and by the authority of the people of the State of Texas, in convention assembled, to deliver up all military posts and public property held by or under your control.

Respectfully, etc., etc.,

THOMAS J. DEVINE,
S. A. MAVERICK,
P. N. LUCKETT,
Commissioners on behalf of the Committee
of Public Safety.

SAN ANTONIO, February 17, 1861.

*Brevet Major-Gen. D. E. Twiggs, Commanding
Department of Texas:*

SIR: In our communication of the sixteenth instant, we required a delivery up by you, of the position held, and public property held by or under your control, as Commander in this Department. As no reply, save your verbal declaration (which declaration was that you "gave up everything") has been given to our note, and as the undersigned are most anxious to avoid even the possibility of a collision between the Federal troops and the force acting on behalf of the State of Texas, a collision which all reflecting persons desire to avoid, and the consequences of which, no man can predict; we again demand the surrender up to the undersigned, of all the posts and public property, held by you or under your control, in this Department.

Please answer immediately.

We have the honor to remain,

Your obedient servants,

THOMAS J. DEVINE,
S. A. MAVERICK,
P. N. LUCKETT,
Commissioners on behalf of the Committee
of Public Safety.

HEADQUARTERS DEPARTMENT OF TEXAS, }
SAN ANTONIO, February 17, 1861. }

*Messrs. Thomas J. Devine, S. A. Maverick, P.
N. Luckett, Commissioners on behalf of the
Committee of Public Safety:*

GENTLEMEN: In reply to your communication of this date, I have to say that you are already aware of my views in regard to the delivery of the public property of this department, and I now repeat, that I will direct the positions held by the Federal troops, to be turned over to the authorized agents of the State of Texas; provided the troops retain their arms and clothing, camp and garrison equipage, quartermaster's stores, subsistence, medical, hospital stores, and such means of transportation of every kind, as may be necessary for an efficient and orderly movement of the troops from Texas, prepared for attack or defence against aggressions from any source.

D. E. TWIGGS,
Brevet Major-General United States Army, Commanding
the Department.

SAN ANTONIO, February 17, 1861.

To Brevet Major-Gen. D. E. Twiggs, Commanding the Department of Texas:

SIR: In reply to your communication of this date, we have to say, that we accept the terms therein set forth, with the conditions stated in our note of the fourteenth instant, namely, that the troops shall leave Texas by way of the coast, and upon arriving at the point or points of embarkation, will deliver up to the authorized agents appointed for that purpose, all means of transportation of every kind used by them, as likewise the artillery, if any be taken.

Respectfully, etc., etc.,

THOMAS J. DEVINE,

S. A. MAVERICK,

P. N. LUCKETT,

Commissioners on behalf of the Committee of Public Safety.

HEADQUARTERS, DEPARTMENT OF TEXAS,
SAN ANTONIO, February 18, 1861.

To Messrs. Thomas J. Devine, S. A. Maverick, P. N. Luckett, Commissioners on behalf of the Convention of the People of Texas:

GENTLEMEN: Your communication of the seventeenth instant, which you say is a reply to mine, written yesterday, the seventeenth instant, was received last night. I consent to the conditions that the troops shall leave Texas by way of the coast, with the provision expressed in my communication of yesterday.

As to the condition of surrendering the guns of the light batteries, that, you must see, would be an act which would cast a lasting disgrace upon the arms of the United States; and under no circumstances can I believe that the State of Texas would demand such a sacrifice at my hands, and more particularly so when I have yielded so much to meet what I deem to be due to the State, and to avoid any unnecessary collision between the Federal and State troops. In this view of the case, I am sure you will not insist on a demand which, you must see, I am not at liberty to grant.

I am, gentlemen, very respectfully,

Your obedient servant,

D. E. TWIGGS,

Brevet Major-General, United States Army, Commanding the Department.

SAN ANTONIO, February 18, 1862.

To Brevet Major-Gen. D. E. Twiggs, United States Army, Commanding Department of Texas.

SIR: In reply to your communication of this date, we have to say that we accept the terms therein stated, namely, that the two batteries of light artillery, with the arms for the infantry and cavalry, shall be retained by the troops under your command, all other property as set forth in our previous communication, to be delivered up to agents authorized to receive it.

We remain, respectfully,

Your obedient servants,

THOMAS J. DEVINE,

P. N. LUCKETT,

S. A. MAVERICK,

Commissioners on behalf of the Committee of Public Safety.

HEADQUARTERS DEPARTMENT OF TEXAS,
SAN ANTONIO, February 18, 1861.

GENERAL ORDERS No. 5.

The State of Texas, having demanded, through its Commissioners, the delivery of the military posts and public property, within the limits of this command; and the Commanding General desiring to avoid even the possibility of a collision between the Federal and State troops; the posts will be evacuated by their garrisons, and these will take up, as soon as the necessary preparations can be made, the line of march out of Texas by way of the coast, marching out with their arms, (the light batteries with their guns,) clothing, camp, and garrison equipage, quartermaster's stores, subsistence, medical hospital stores, and such means of transportation of every kind, as may be necessary for an efficient and orderly movement of the troops, prepared for attack or defence against aggression from any source. The troops will carry with them provisions as far as the coast. By order of

Brevet Major-Gen. TWIGGS.

U. A. NICHOLS,

Assistant Adjutant-General.

SAN ANTONIO, February 18, 1861.

The undersigned Commissioners, on the part of the State of Texas, fully empowered to exercise the authority undertaken by them, have formally and solemnly agreed with Brevet Major-Gen. David E. Twiggs, United States Army, commanding the Department of Texas, that the troops of the United States shall leave the soil of the State by the way of the coast; that they shall take with them the arms of the respective corps, including the battery of light artillery at Fort Duncan, and the battery of the same character at Fort Brown; and shall be allowed the necessary means for regular and comfortable movement, provisions, tents, etc., etc., and transportation.

It is the desire of the Commission, that there shall be no infraction of this agreement on the part of the people of this State. It is their wish, on the contrary, that every facility shall be afforded the troops. They are our friends. They have heretofore afforded to our people all the protection in their power, and we owe them every consideration.

The public property at the various posts, other than that above recited for the use of the troops, will be turned over to agents, to be appointed by the Commission, who will give due and proper receipts for the whole to the officers of the army whom they relieve from the custody of the public property.

THOMAS J. DEVINE,

P. N. LUCKETT,

S. A. MAVERICK,

Commissioners on behalf of the Com. of Public Safety.

SAN ANTONIO, BEXAR CO., February 8, 1861.

Col. Ben. McCulloch:

SIR: The undersigned, by virtue of the powers vested in them by the Committee of Public Safety, do hereby authorize and direct you, in the name and by the authority of the State of Texas, to call out and collect such numbers of the volun-

teer force or "minute men," as you may deem necessary for securing and protecting the public property at San Antonio. Upon the assembling of the force, you will proceed, without delay, to San Antonio, and report to the undersigned when you arrive in the vicinity of the city.

THOS. J. DEVINE,
SAM. A. MAVERICK,
P. N. LUCKETT,

Commissioners of Committee of Public Safety.

Correspondence with Col. Waite, and Lists of Volunteers, sent to various posts.

[Copy.]

SAN ANTONIO, February 22, 1861.

Col. C. A. Waite:

SIR: Your communication of the twentieth instant, making a requisition on us for one hundred wagons and six hundred mules, has been duly considered, and the necessary orders will be issued to carry out the requisition.

Very respectfully, your obedient servants,

P. N. LUCKETT,
THOMAS J. DEVINE,
S. A. MAVERICK.

[Copy.]

SAN ANTONIO, February 25, 1861.

Col. C. A. Waite:

SIR: We have just learned that on Saturday, Capt. John H. King, of the infantry, enlisted a man in his company. If such is the case, we demand that he be immediately discharged, and that no further enlistments take place.

Respectfully, your obedient servants,

THOMAS J. DEVINE,
S. A. MAVERICK,
P. N. LUCKETT,

Commissioners on behalf of the Com. of Public Safety.

HEADQUARTERS, DEPARTMENT OF TEXAS, }
SAN ANTONIO, February 26, 1861. }

To Messrs. Thomas J. Devine, S. A. Maverick, and P. N. Lockett, Commissioners, etc.:

GENTLEMEN: In answer to your letter of the twenty-fifth, I have to say, that I have directed Captain King to discharge immediately the man he enlisted.

I shall take measures to prevent the enlistment in future of any citizen in Texas.

I am, gentlemen, very respectfully, your obedient servant,

C. A. WAITE,
Brevet-Colonel U. S. A. Commanding the Department.

HEADQUARTERS, DEPARTMENT OF TEXAS, }
SAN ANTONIO, February 21, 1861. }

GENTLEMEN: I have been informed by Captain Reynolds, Assistant Quartermaster, that the funds placed in his hands, pertaining to the Quartermaster's Department—and for which he is personally accountable to the Treasury—have been seized by an armed body of Texans, and are no longer in his possession.

The Commissioners, on the part of the State of Texas, "formally and solemnly agreed with Brevet Major-Gen. D. E. Twiggs, United States Army, Commanding the Department of Texas," that "the necessary means for regular and comfortable

movement, provisions, tents, etc., etc., and transportation," shall be allowed the troops; and that the public property at the various posts other than that above recited, "shall be turned over to the agents," etc. The words, "public property," do not include money—and certainly not money in the hands of disbursing officers who are personally accountable for it to the Treasury of the United States. Their bondsmen, their private property, and their commissions, are pledged to their Government, for the faithful disbursement of the funds entrusted to them.

Believing that a proper construction of the agreement referred to, will not authorize the retention of the funds lately in the possession of Capt. Reynolds, and seized prior to the agreement between the Commissioners and Gen. Twiggs, I have to require that they may be returned to him immediately.

I am, gentlemen, very respectfully,

Your obedient servant,

C. A. WAITE,
Col. U. S. Army, Commanding Dep't.

To Messrs. THOMAS J. DEVINE, P. N. LUCKETT, S. A. MAVERICK,

Commissioners on behalf of Com. of Public Safety.

HEADQUARTERS, DEPARTMENT OF TEXAS, } Official
SAN ANTONIO, March 5, 1861. } copy.

U. A. NICHOLS,
Assistant Adjutant-General.

SAN ANTONIO, February 22, 1861.

To Col. C. A. Waite, U. S. A., Commanding the Department of Texas:

SIR: We are in receipt of your communication of the twenty-first inst., in which you state that "the funds placed in the hands of Capt. Reynolds, Asst.-Quartermaster, and pertaining to his department, have been seized by an armed body of Texans, and are no longer in his possession." You likewise state that "the Commissioners formally and solemnly agreed with Brevet Major-Gen. David E. Twiggs, Commanding the Department of Texas, that the necessary means for regular and comfortable movement, provisions, tents, etc., and transportation, shall be allowed the troops, and that the public property at the various posts other than that above recited, shall be turned over to agents, etc." You further state "the words public property do not include money, and certainly not money in the hands of disbursing officers, etc." You likewise state that a proper construction of the agreement referred to, will not authorize the retention of the funds lately in the possession of Capt. Reynolds and seized prior to the agreement between the Commissioners and Gen. Twiggs, and you (I) have to require that they be returned to him immediately.

In reply to that portion of your communication referring to our agreement with Gen. Twiggs, for the comfortable movement of the troops, etc., we have to remark that our actions with reference to the movement of the troops will attest our willingness to perform our part of the agreement; and we are now, as we have been heretofore, ready and willing to carry it out, according to the letter and the spirit of the agreement. With

cognise the right of Texas to claim any portion of the funds in the hands of the disbursing officers. In this view of the case, I am confirmed by the most positive assurance of Gen. Twiggs, that he has not at any time, or in any way, consented to the transfer of the public funds to the State of Texas.

I am, gentlemen, very respectfully,

Your obedient servant,

C. A. WAITE,

Colonel U. S. A. Commanding the Department.

HEADQUARTERS DEPARTMENT OF TEXAS, }
SAN ANTONIO, March 2, 1861.

To Messrs. Thomas J. Devine, P. N. Luckett,
Samuel A. Maverick, Commissioners on behalf
of Committee on Public Safety, San Antonio:

GENTLEMEN: I here repeat in writing the substance of the remarks made verbally to you yesterday, with respect to the funds on hand, the existing debts of the United States Quartermaster's Department, and those which may accrue during the stay of the United States troops within the limits of the State of Texas.

That I will exert the full extent of my authority to cause to be paid to the citizens of Texas, all just demands they may hold against the United States, pertaining to the Quartermaster's Department, or that may hereafter be contracted by said Department, so far as the funds on hand will permit; and, further, that it having been ascertained that the available funds on hand are not sufficient to liquidate the present outstanding demands, I will cause an estimate to be made for such further sums as may be deemed sufficient—it being understood and agreed to by said Commissioners, that such sums as may be necessary for the hire of teamsters, lighters, the purchase and delivery of forage, fuel, and other supplies, and to meet all the expenditures necessary for a "regular and comfortable movement" of the troops on their march from their present stations to the coast, and to enable them to embark, shall be retained and held subject to such expenditures.

I am, gentlemen, very respectfully

Your obedient servant,

C. A. WAITE,

Col. Com'g Dept. Texas—Col. U. S. A. Comm. Dept.

Approved by the undersigned Commissioners
on behalf of the Committee of Public Safety.

SAN ANTONIO, TEXAS, March 2, 1861.

We, the Commissioners on behalf of the Committee on Public Safety, will place at the disposal of the commanding officer of the troops in Texas, such means of transportation as are at our command, to be used by said troops in transporting their baggage, provisions, forage, and other supplies, to such points on the coast as have been selected for embarkation.

THOMAS J. DEVINE,

S. A. MAVERICK,

P. N. LUCKETT,

Commissioners on behalf of Com. of Public Safety.

(Circular.)

HEADQUARTERS DEPARTMENT OF TEXAS, }
SAN ANTONIO, February 25, 1861.

SIR: As some of the companies in the Department have already evacuated their posts, deeming the requirements of General Orders No. Five immediate, the Department Commander calls the attention of Post Commanders to the condition as therein expressed, viz.: "As soon as the necessary preparations can be made." The "necessary preparations" will be made at these Headquarters, and no troops will be put in motion until orders for such purposes shall be issued from the Department.

Should, however, any of the companies within this command have left their stations, and be found, on receipt of these instructions, on the march for the coast, they will not consider the above requirements as operative upon them, but will continue their line of march.

I am, sir, very respectfully,

Your obedient servant,

U. A. NICHOLS,

Assistant Adjutant-General.

Copy of circular addressed to Post Commanders. For the State Commissioners, etc., San Antonio, Texas.

OFFICE OF COMMISSIONERS, }
SAN ANTONIO, March 2, 1861.

To Colonel C. A. Waite, U. S. A., Commanding
Department of Texas:

SIR: We are credibly informed that after the departure of Capt. Macklin's company, from Camp Verde, the soldiers of Company A, First infantry, burned up a chest of saddler's tools, belonging to the Federal Government, left by Capt. Brackett, to be placed in the quartermaster's store. Five days after, on the night of the return of that company to Camp Verde, the men broke into the hospital, and after consuming the liquor, destroyed all they could not conveniently appropriate to their own use; the night after, they broke into the carpenter's shop, and destroyed everything that was not appropriated by them to their own use.

We desire to call your attention to this transaction, as it is not in the spirit or according to the letter of the agreement between Gen. Twiggs and the undersigned. We have to request that this company be removed, as soon as possible, from Camp Verde. The officers and men of Company A will be held liable for any destruction of property, or other outrage, which they may fail to prevent or be guilty of.

We remain, respectfully, etc., etc.,

THOMAS J. DEVINE,

S. A. MAVERICK,

P. N. LUCKETT,

Commissioners on behalf of the Com. of Public Safety.

HEADQUARTERS, SAN ANTONIO, }
TEXAS, March 2, 1861.

To the Commissioners:

SIRS: I have the honor to report, that:

1. Lieut. S. W. McCallister, of Capt. Jordon's company, with one sergeant, one corporal, and eighteen privates, are en route for Fort Davis.

2. Sergeant C. Denman, of Capt. Teel's company, with one corporal and fifteen privates, are *en route* for Camp Stockton.

3. Lieut. J. C. Moody, of Capt. Teel's company, with one corporal and fifteen privates, are *en route* for Fort Lancaster.

4. Sergeant T. L. Wilson, of Capt. Teel's company, with one corporal and fifteen privates, are *en route* for Camp Hudson.

5. Lieut. B. E. Benton, of Seguin, has orders to repair immediately to Fort Mason, with twenty mounted men.

6. Lieut. James Paul, of Castroville, has orders to repair immediately to Camp Verde, with twenty-five mounted men.

7. Lieut. W. Adams, of Uvalde, has orders to repair immediately to Fort Inge and Camp Wood; ten mounted men at the former and twenty-five mounted men at the latter place—in all, thirty-five men.

8. Captain T. T. Teel and Lieut. Bennett are awaiting orders, with fifteen privates each, to garrison Fort Duncan and Fort Clarke.

9. Lieutenant Benton, Lieut. Paul, and Lieut. Adams, furnish their respective detachments with arms and ammunition, also horses.

10. If it be deemed advisable to muster the detachments of Lieuts. Benton, Paul and Adams, I can repair to their stations, and do it. Colonel McCulloch did not deem it necessary that they should report at these headquarters for that purpose. I am, sir, respectfully, etc.,

W. T. MECKLING,

Captain and Assist. Adjutant-General.

To Hon. T. J. DEVINE, S. A. MAVERICK, and P. N. LUCKETT, Commissioners.

HEADQUARTERS, SAN ANTONIO, TEXAS, }
March 1, 1861. }

To the Hon. Commissioners:

SIRS: I have the honor to report that I mustered and inspected the several detachments of State troops, who are to occupy Forts Davis and Lancaster, Camps Stockton and Hudson, and report them encamped about eight miles west of this city, ready to march at a moment's notice.

Enclosed is a copy of the order assigning them to their posts, and order of march.

I am, sirs, very respectfully,
your obedient servant,

W. T. MECKLING,

Captain and Assist. Adjutant-General.

To Hon. T. J. DEVINE, P. N. LUCKETT, and S. A. MAVERICK, Commissioners.

Answers to Capt. Blair and Major Macklin.

Memorandum of Subsistence, Funds and Liabilities in the Office, and under the control of the Commissary of Subsistence.

FUNDS.

On deposit in New-Orleans, . . .	\$2,943 00
On hand in coin, . . .	4,638 47
Total, . . .	\$7,576 47

LIABILITIES.

For flour delivered, and in course of delivery, at various posts, . . .	\$5,604 20
To fill requisitions for current expenditures at the various posts, . .	8,498 69

Total, . . .	\$14,102 89
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The above embraces the whole of the public funds under my control, of all kinds and descriptions, and all evidences thereof.

W. B. BLAIR,

Captain C. &

SAN ANTONIO, February 28, 1861.

SAN ANTONIO, TEXAS, Feb. 28, 1861.

To the Commissioners:

GENTLEMEN: In answer to your demand, to be informed of the amount of public money received and expended by me since the thirty-first day of October, 1860, as well as the amount now on hand, and on deposit to my credit, I remark:

That on the twentieth of January, 1861, deposited to my credit, in the Treasury, New-Orleans, . . .	\$25,000 00
On the twenty-second of February, in the Treasury, New-Orleans, . . .	50,000 00
Deposited to my credit in the Treasury of New-York, on the first of February, 1861, . . .	5,000 00

Making total to my credit, since the thirty-first day of October, 1860, Since the date of the above deposits, I have expended in paying the public dues from the deposits in New-Orleans, . . .	\$80,000 00
Expended from the deposit in New-York, . . .	\$36,649 66
	3,877 50

Total expended from the above deposits, . . .	\$40,527 16
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Leaving balance to be accounted for, \$39,472.84, which will be explained as follows, viz.:

Draft drawn by me in favor of Lieut. Thomas M. Jones, U. S. A., on deposit in New-Orleans, and now <i>en route</i> to this place, . . .	\$30,000 00
Balance in Treasury, New-Orleans, . . .	8,550 34
Balance in Treasury, New-York, . .	1,122 50

Total amount on hand, on deposit and <i>en route</i> to this place, . .	\$39,472 84
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It is impossible for me to say, with a positive certainty, what amount it will require to pay the troops (for whom the estimate upon which the above funds were furnished) to the present date. But I am pretty certain that \$16,000 will be sufficient.

Please allow me to say, that there may be some errors in this hasty report, but I feel well assured that the errors are slight.

I have the honor to be, gentlemen, respectfully
your obedient servant, SACKFIELD MACKLIN,

Late Paymaster United States Army.

To T. J. DEVINE, S. A. MAVERICK, P. N. LUCKETT, Commissioners.

(Report No. 2—Gen. Rogers's Mission.)

COMMITTEE ROOM, March 7, 1861.

To the Hon. O. M. Roberts, President of the Convention:

The Committee on Public Safety beg leave to report through you, to the Convention, that on the fourteenth day of February they were in session at the city of Galveston, and at that time they felt the great necessity of having more arms than were to be found in the State, and the Hon. Geo. Williamson, Commissioner from Louisiana to Texas, being then in that city, they caused the Chairman of the Committee to address to him a communication, which with the answer thereto is herewith submitted.

GALVESTON, TEXAS, February 14, 1861.

To Geo. Williamson, Commissioner from Louisiana to the State of Texas:

DEAR SIR: The Committee of Public Safety regret to have to make known to your State, through yourself, the unfortunate condition of Texas as to arms for her people. Should coercion be the policy of the incoming Administration at Washington, we hope to be able to bring into the field as many strong arms and brave hearts, as our Southern sisters; but in this crisis we must ask them to lend us whatever spare arms they may have. The Committee beg to know of you what assurances you can give to Texas in behalf of your gallant State on this subject? Especially, sir, would we ask of you your individual efforts in our behalf, to secure for us the two pieces of ordnance, well known in the history of Texas as the "Twin Sisters." We are informed that they are now in the hands of the State of Louisiana, having been lately taken from the Federal Government.

In conclusion, sir, allow me, in behalf of the Committee, to extend to you the highest regards of each member for yourself, personally, and their best wishes for your welfare and happiness, and that of your people.

I have the honor to be, very respectfully,

Your obedient servant,

J. C. ROBERTSON,

Chairman of Committee of Public Safety.

GALVESTON, February 17, 1861.

Hon. J. C. Robertson, Chairman Committee of Public Safety:

DEAR SIR: In reply to your note of this date, I beg leave to state that owing to the timely and patriotic action of the Governor, in seizing the United States forts and arsenals in Louisiana, the State is abundantly provided with arms. It is needless for me to assure you that the State I have the honor to represent as Commissioner, feels the liveliest interest in everything that pertains to the safety and protection of Texas. Relying upon this feeling, and knowing personally the Governor, I can assure you that he will do all in his power to supply the want of arms you say now exists in Texas. Her gallant sons who are so eager to again recover her independence, should have the means to accomplish their desire.

I shall use every effort in my power to accomplish your wishes, both in regard to the arms and to the historic "Twin Sisters."

Permit me to suggest to your Committee the propriety of sending a Commissioner to the State of Louisiana, to negotiate for a loan of arms and munitions of war, vested with full authority to receipt for the same in the name of the State of Texas. I shall heartily cooperate with him.

I beg leave to tender my thanks to yourself and the Committee, for the courtesies extended to me during my agreeable visit to your State.

With assurances of my kindest regards and respect, I have the honor to be

Your obedient servant,

GEORGE WILLIAMSON,

Commissioner of the State of Louisiana.

They further report that from the tenor of said letters in answer to the communication from the Committee, they were encouraged to make the effort to obtain some of the arms with which the State of Louisiana was so abundantly supplied. They accordingly issued to James H. Rogers, one of this Committee, a commission to proceed to accomplish that object; which commission, together with his instructions as to the disposition of said arms, are herewith submitted:

"Commission."

COMMITTEE ROOM, GALVESTON, TEXAS, }
February 20, 1861. }

To Gen. James H. Rogers:

SIR: You are hereby commissioned as a special officer, to proceed at once to the city of Baton Rouge, in the State of Louisiana, and there confer with the Governor of said State, or other legally constituted authority, for the purpose of procuring therefrom as many arms as you can obtain, for the use and benefit of the people of Texas, and, in the event of your failing to obtain the same, or a sufficient number thereof, from said State to answer the present urgent demand therefor in Texas, you shall, if in your judgment it be right and proper so to do, proceed at once to the State of Alabama, on a like mission.

JOHN C. ROBERTSON,

Chairman of the Committee of Public Safety.

[Attest] R. T. BROWNIGG,

Secretary to the Committee.

"Instructions."

Resolved, That the Commissioner appointed to visit the State of Louisiana, for the purpose of procuring arms for the use of the State, be instructed to dispose of the same in the following manner, namely:

One half the arms to be obtained by him shall be shipped to J. M. & J. C. Murphy, Jefferson, Marion County, Texas, subject to the order of the Convention, and the other half to E. B. Nichols, & Co., Galveston, Texas, subject to same order.

A few days after the departure of said Commissioner, he returned to this Committee the following encouraging communication:

NEW-ORLEANS, February 22, 1861.

Hon John C. Robertson, Galveston, Texas :

MY DEAR SIR: I arrived here safe yesterday morning, met that pñnce of gentlemen, Col. Williamson, and I have conferred with him fully on the object of my mission. He had just returned from a visit to the Governor at Baton Rouge, whither he went as our friend, on the subject of arms.

He gave me the kindest assurances of the friendly feelings of the Governor, and the people of Louisiana to our cause, and introduced me to Gen. Bragg, who assures me of the loan of five thousand stand of arms, and gives me letters to the Governor, stating the ability of Louisiana to spare so many—two thousand percussion and three thousand flint and steel. I have seen the arms, they are good and in prime order, and I shall receive them, believing it to be for the interest of Texas.

Col. Williamson says he has procured the Legislature of this State to dress up and remount the "Twin Sisters," and has their assurance that they will then be presented to Texas by Louisiana.

Gen. Bragg says he has assurances from United States officers in Texas, that if they are properly treated they will come into the service of Texas, and strongly recommends mildness and courtesy towards them; that such a course will bring them to us, and make them a breastwork for our defence.

Allow to recommend respectfully the views of Gen. Bragg on this subject as being those of wisdom and prudence, and to beg that they may be adopted.

I shall leave this evening for Baton Rouge, and will get back to Austin as soon as I can.

Once more—mildness and peace is the true policy for Texas. Give the officers and soldiers a chance, and all will be well. For God's sake and the interest of Texas, avoid harshness and blood—the latter is ruin, the former, prosperity and safety.

In much haste, very respectfully,

JAMES H. ROGERS.

The Committee have the pleasure to announce to the Convention, that said Commissioner has returned from his mission, and submitted to the Committee the following report and accompanying documents, all of which they respectfully submit to the Convention as a part of this report.

The Committee further state that at the very earliest possible moment they will furnish further reports of their proceedings.

I have the honor to be, very respectfully,

JOHN C. ROBERTSON,
Chairman of Committee of Public Safety.

Report of J. H. Rogers, and accompanying Documents.

AUSTIN, TEXAS, March 5, 1861.

To Hon. J. C. Robertson, Chairman of Committee of Public Safety :

SIR: In obedience to instructions given me, and acting by authority of the Convention of

the State of Texas, as Commissioner to the State of Louisiana, charged with the duty of procuring arms of that State for the defence of Texas, in case of invasion, I have the honor to report :

That on the twentieth day of February, 1861, I left the city of Galveston, and on the twenty-second, reached the city of New-Orleans, and entered immediately upon the discharge of said duty.

It affords me great pleasure to state to you, and through you to the Convention, that owing to the kindly aid of the late Commissioner from the State of Louisiana to the State of Texas, Col. George Williamson, and also to that of Major-Gen. Bragg, and the warm feeling of friendship entertained by the Governor of the State towards Texas, I had but little difficulty in the discharge of my mission.

On the twenty-third of February, I had the honor to address to his Excellency the Governor of the State of Louisiana, the communication hereto appended, (marked No. 1,) and received from him promptly, an order for five thousand stand of arms, four thousand two hundred and fifty flint and steel, and seven hundred and fifty percussion muskets.

Whilst this order was being filled, the news of the capture of arms and munitions of war at San Antonio, and the subsequent agreement between our Commissioner at that point, and Bre vet Major-Gen. Twiggs, for the withdrawal of the Federal troops from Texas, and the surrender of the arms at the various posts in Texas, was received by Gov. Moore, who immediately addressed me the appended note, (marked No. 2,) limiting the original order to one thousand stand of muskets, with assurance that should necessity require it, this loan should be increased.

I would further report that on the twenty-sixth of February, I received by order of the Governor the said arms. In obedience to your instructions, I immediately had shipped five hundred stand to Messrs. J. M. & J. C. Murphy, Jefferson, Marion County, Texas, and five hundred stand to Messrs. E. B. Nichols & Co., Galveston, where they now are, subject to the order of the Convention. It was impossible to procure either cartridge-boxes or ammunition, as the State of Louisiana was not sufficiently provided to extend the loan. Failing in this, and deeming it necessary to ascertain where the State of Texas could most speedily supply herself, I instituted inquiry in the city of New-Orleans, and am able to furnish the Committee with satisfactory information upon that point, by appending statement marked "A."

The muskets I receipted for in the name of the State of Texas, and have pledged the faith of the State for their return, or payment at their appraised value. I have the pleasure to inform you, that through the agency of Col. Williamson, the Legislature of the State of Louisiana has ordered the "Twin Sisters," the San Jacinto thunderers, to be remounted in fine style, and presented by the State of Louisiana to the State of Texas, which I am assured will be shortly done. I feel

confident that this delicate demonstration of regard for our State, will be duly appreciated by yourselves and the gallant people of Texas, whose interests you represent.

Having been instructed to make application to the State of Alabama, for a similar loan of arms, etc., whilst in New-Orleans, I telegraphed our delegates at Montgomery, enquiring as to the chance of success in that quarter, and received from the Hon. W. B. Ochiltree, the following reply :

MONTGOMERY, February 22, 1861.

GEN. J. H. ROGERS: Alabama having to support Florida, can spare no arms to Texas for the present.

W. B. OCHILTREE.

I therefore did not prosecute that branch of my mission further, deeming it unnecessary to do so. An invoice of ordnance and ordnance stores, receipted for by me, I herewith transmit to you, (marked "B,") together with other documents referred to, for your inspection. I cannot close this report without expressing my heartfelt gratitude, as a citizen of Texas, to his Excellency Gov. Thomas O. Moore, to Gen. Bragg, and to Col. Geo. Williamson, for their generous kindness to me, whilst acting as your agent. Trusting that I have satisfactorily discharged the duty imposed upon me, I have the honor to remain,

Yours most respectfully,

JAMES H. ROGERS,

Commissioner.

(Communication No. 1.)

NEW-ORLEANS, February 23, 1861.

To his Excellency the Governor of the Sovereign State of Louisiana :

SIR: I have been honored by the State of Texas, with the performance of a duty alike responsible and delicate. Your Excellency has been notified that on the first of February, 1861, the Ordinance ratifying and acceding to the articles of annexation, passed on the fourth of July, 1845, were formally annulled by a Convention of the people of Texas, assembled at our capital city, Austin. The ordinance of secession was submitted for ratification or rejection to the people of the State, to be determined at the ballot-box, on this the twenty-third of this month.

Such has been the confidence of the delegates in the action of the people, that although the Convention has taken a recess until the second of March next, active measures have been in the mean time taken, to provide against the threatened attempt at coercion. Entertaining a lingering hope that a returning sense of justice would induce the dominant party of the old Union, to pursue such course as would justify a continuance of that Union, our people have permitted the day of results to dawn upon them unprepared to a great extent for the collision that now seems inevitable. The determination of the people of Texas is fixed! Whatever may be the consequences, Texas has thrown her influence, and will throw her sword into the scales, with her sister Southern States. The relations, both social

and commercial, which have grown up and so closely entwine each, make the interests and future destiny of Texas and Louisiana the same. The idea of a separate republic has never been seriously entertained by the people of Texas.

The enemies of secession have attempted to embarrass immediate action, by intimating such a course. I beg to assure you, as the recent action of our Convention, in sending delegates to the Montgomery Convention, indicates, that Texas will link her destinies with the fortunes of her sister cotton and sugar-growing States, and the banner which waves over their patriotic sons, in peace or war, will float over the undaunted sons of the Lone Star State.

The mansion and cottage hearth-stone shall be made desolate, and the west bank of the Red River become a frontier, before hostile Federal troops will from her direction, ever place foot upon the soil of Louisiana.

Circumstances require that Texas should appeal to Louisiana for arms in this emergency, and I have the honor to be commissioned for this purpose. I am prepared to guarantee to your Excellency their proper use, and unless lost in glorious battle for freedom and equal rights, their safe return.

I have the honor to be, sir,

Very respectfully, your obedient servant,

JAMES H. ROGERS.

(Communication No. 2.)

EXECUTIVE OFFICE, BATON ROUGE, LA.,
February 25, 1861. }

To Gen. James H. Rogers, Agent of the State of Texas.

SIR: In consequence of the news this day received, of the withdrawal of Gen. Twiggs and his command from Texas, and of the State's thus getting possession of large quantities of military munitions, I presume there no longer exists the want of arms which you were sent here to procure. But as the arms, etc., surrendered by the retiring corps of the United States troops, are in Western Texas, leaving Eastern Texas comparatively destitute, I have ordered one thousand stand of muskets to be issued, for the purpose of being sent to Jefferson for distribution in that portion of the State.

Should my inference from the reported retiring of Gen. Twiggs and command prove erroneous, I shall respond to a renewal of your call for a loan of arms, by promptly shipping such as we may then be able to spare.

Fully approving the active preparation made by the authorities of Texas for her defence, and desirous of aiding them in every proper way, I remain, very respectfully,

Your obedient servant,

THOMAS O. MOORE,
Governor of the State of Louisiana.

(Document "A.")

Statement from P. Rotchford, Agent for the Du Pont's powder.

United States cannon powder, ... \$6

100 kegs rifle \$6
 500 " musket, ... 6
 at the powder magazine.

Common cannon powder is only \$5 per keg, for blasting and for saluting purposes.

It will be necessary to give some timely notice in order to have any quantity of powder. We have also some rifle powder at \$5, which is considered good, but only one or two hundred kegs; it would, no doubt, do for cannon, as it is strong.

P. ROTCHFORD,
 49 Union Street.

(Document No. 3.)

Invoice of ordnance and ordnance stores, turned over by H. Oladowski, commanding Baton Rouge Arsenal, to James H. Rogers, Agent of the State of Texas, in obedience to order of Governor and Commander-in-Chief of the State of Louisiana Army.

1000 muskets, altered to percussion model, 1822.
 1000 screwdrivers for percussion arms.
 1000 cones " " "
 1000 wipers for muskets " "
 100 ball screws for " "
 100 screw-vices " "
 50 arm chests.

I certify that the above is a correct invoice of ordnance and ordnance stores, turned over by me, this twenty-sixth day of February, 1861, to James H. Rogers.

H. OLADOWSKI,
 Commanding Arsenal.

The surrender of the public property in San Antonio, as reported by the Committee of Public Safety, was not without embarrassments. The concentration of so large a body of undisciplined men with arms in their hands, and with excited feelings against the Federal Government, was with difficulty controlled. All business was suspended, the stores were closed, and a collision momentarily expected between the few United States troops on duty and the Texas forces, regardless of the authority of their superiors. There were on duty in the city one hundred and twenty men, belonging to the First and Eighth United States infantry, commanded by a Captain now a Major in the army of the Confederate States. The sixteenth and seventeenth of February were occupied in the interchange of opinions and views between the Commander and the Texan Commissioners. A demand was made for the unconditional laying down of the arms in the hands of the United States troops, and it was not until the morning of the eighteenth inst., when a Sergeant, having accidentally heard of what was meditated, informed his Commander "that further delay was unnecessary," as the men had openly declared that they would resist all such attempts, and die with their arms in their hands." It was apparent that if the effort was made, blood would be shed, and a most fearful conflict ensue within the limits of the city. The design was abandoned, and the command marched out of the city, in the presence of fifteen hundred Texas troops, with their arms in their hands, colors flying, and drums beating. Col. C. A. Waite, First infantry, United

States army, superseded Gen. Twiggs, by orders from Washington, which he received at Camp Verde, his station, sixty-five miles distant, on the sixteenth of February, 1861. Col. Waite, ignorant of what had transpired in San Antonio, obeyed his instructions immediately. The Commissioners of Public Safety apprehending this, and learning from general report that Col. Waite was as then termed an abolitionist, or a black republican, adopted the most stringent measures to prevent his interfering in the complete accomplishment of their designs. Detachments of mounted men were posted upon every road leading to and from Camp Verde, with instructions to arrest Col. Waite, and keep him in close confinement. It so happened that Col. Waite, on his way to San Antonio, lost his road, and taking an Indian trail, reached the city, unknown to the authorities, on the morning of the nineteenth of February, the day after the completion of the capitulation. He found himself alone and helpless. Any attempt to break the terms would have caused his arrest and confinement. His duty now was towards those officers and soldiers far removed upon the frontier, who, in total ignorance of the treason which had sold them into captivity, had, as before stated, but a limited supply of provision, ammunition, and the means of transportation. To communicate with them was impossible, without permission from the "Committee of Public Safety." The highways to the interior were filled with armed men, with instructions to arrest persons travelling to and fro, and to withhold all letters found in their possession. There was no alternative but to have an amicable understanding with the Texan authorities, in order to relieve the troops serving upon the frontier. The means were accordingly granted Col. Waite, in the way of horses and provisions, to enable him to communicate with the officers of his command. Passes were given to express men by the Committee of Public Safety, to permit them to reach the various posts along the frontier with instructions from Col. Waite. These instructions were examined by the Committee before being sent. As offensive and humiliating as it was to the Commander, the order of Gen. Twiggs, directing the withdrawal of the troops from Texas, was transmitted to the officers in the interior, at the same time informing them that transportation and subsistence would be sent as early as possible. The officers saw in the surrender of Twiggs, unavoidable embarrassments surrounding them, but a repetition of the disastrous and disgraceful events which had been enacted throughout the country the two months past. Our flag had been dishonored, forts, arsenals, and treasury had been plundered, still the heart of the nation, throbbing with indignation, sought reconciliation and forbearance to avoid collision and the shedding of blood. Isolated as they were, with small commands in posts and detached camps, upon a frontier of fourteen hundred miles, destitute of subsistence and means of communication, and a march of from two to six hundred miles through an enemy's country, to a point of embarkation, there was no alterna-

tive but to submit without remonstrance to the terms of capitulation agreed upon in San Antonio on the eighteenth of February, 1861. To resist would have been but a cruel forfeiture of the lives of the brave men around them, who, regardless of consequences, expressed their willingness to die upon the soil. Temporary success might have been accomplished, but before they could have reached the coast for embarkation, they would have been intercepted and decimated by the thousands of Texas volunteers now effectively armed with the materials of war plundered from the Federal Government.

It was my fortune to reach San Antonio early in the month of March, and to become a participant in the results of these humiliating events. I had escaped detection when passing through the seceding States, in the hopes of joining my command at Fort Bliss on the extreme frontier of Texas. On the route of travel from Cincinnati to New-Orleans by steamer, passengers were greatly excited, discussing the political events of the day. Men from the North and the South then dared to communicate to each other their hopes and fears upon the exciting events agitating both sections of the country; and travellers, in social conversation, unhesitatingly expressed their devotion to the Union, and their anxiety that the political dissensions, now so threatening, should be amicably adjusted in despite the activity of political organizations so fast involving their States in secession and consequent ruin. The telegraph was the means of keeping the cities and towns bordering the Mississippi River in a constant state of fermentation. At Memphis information was received that Fort Sumter had been reinforced, and that a war of extermination had been declared by President Lincoln against the South. At Natchez intelligence was in like manner communicated that Fort Sumter had capitulated, and that Mr. Lincoln had fled from Washington. Extras from the various newspapers scattered these reports into every county in the States. Bonfires and cannon celebrated the one, while the former only tended to exasperate the morbid tastes and feelings of the populace, and to discard the long cherished affection for the Union. These reports were not contradicted nor were they designed to be; false impressions were thus made upon the minds of good and loyal men, and love for our common country was turned to malignant hate through the activity of malicious and designing men. At New-Orleans the State Convention was in session, and the grave question was being discussed, as to whether the Constitution of the Confederate States should be submitted to the people. In common with others, supposed to be friends, I expressed my views and wishes in regard to the course of the Administration, vindicated its justness, fairness, and liberality to all parts of the Union, and declared my belief that we would yet come together in harmony and interest. I was informed in the course of the day that my opinions were treasonable and had been reported to the Convention, and in order to avoid detection, my judicious course was to leave the

city as early as practicable. Not wishing to be annoyed, I left for San Antonio the next morning, and the day after my arrival there, was informed by the Committee of Public Safety that I would not be permitted to proceed farther upon my journey. An emissary from the Convention, I learnt, had accompanied me from New-Orleans to San Antonio. I found the city in the hands of Texas, business was suspended, and the populace still doubting to which Government they belonged, waiting the crisis of portending events. The banner of the "Lone Star" was flying from all the public buildings, which, in a few days, was replaced by the confederate flag. The authority of the United States Government, civil and military, was discarded, and the entire country was governed by a *vigilance committee*, supported by volunteer troops.

Secession was accomplished; and the absence of industry and cheerfulness so striking in this beautiful and once enterprising town, told plainly, but sadly, the despotism of error, and the inevitable results from misguided public opinion. Col. Waite was actively engaged in carrying out, in good faith, the terms of capitulation which unfortunately had fallen to his lot to execute. He was without any instructions whatever from the Government at Washington other than that transports had been ordered from New-York to Texas for the troops; he hastened their departure to avoid that which was so much apprehended — *collision and the shedding of blood*. The troops from the frontier, as fast as transportation could be obtained, passed through San Antonio in detachments for Indianola, the port of embarkation, where it was expected transports would be awaiting their arrival. Emissaries from the Confederate States hung upon their flanks and sought their camps from day to day, endeavoring by promises of pay and increased rank to induce them to join their cause. To such solicitations these brave and hardy veterans were unapproachable, and declared their determination to serve the Government they loved and honored, and to sustain that flag which they had carried in triumph through so many conflicts and perils.

When these troops, some twelve hundred, were encamped at Indianola, a more direct and strenuous effort was made to alienate them from their loyalty. Col. E. Van Dorn, now of the Confederate army, but recently a captain in the Second United States cavalry, was deputed by the authorities of Montgomery to visit this camp to endeavor to obtain both officers and men. To insure success, he brought with him written authority from the President of the Confederate States, guaranteeing increased rank and pay. His service in Texas, his long association with the officers and men, many of the latter of his own company which he so recently abandoned, might, it was supposed, induce many to join the government which he acknowledged, but after two days of fruitless efforts, he abandoned the project, and owned his mission a failure. These troops embarked for New-York on the fifth of April, as did also a detachment from the mouth of the Rio

Grande in accordance with the understanding with the State of Texas. The remote stations of some of the commands prevented their arrival at Indianola as soon as anticipated, or as soon as could be desired. In the mean time the political aspect of events throughout the country was to those struggling to escape from Texas sad and discouraging indeed. No instructions, no encouragement, no sympathy was received from any quarter by those whose loyalty had been so conspicuously and faithfully tried. As the determination of the Government to maintain inviolate the Constitution and the Union became known, the acrimony and vindictiveness of the citizens in this quarter increased in a corresponding ratio. The surrender of Fort Sumter was received in San Antonio on the seventeenth of April. There was no rejoicing among the people. The active leaders in secession endeavored to infuse into the populace some expressions of exultation, but the prevailing sentiment was depression and gloom. It was the tocsin which aroused the American people to arms. At this time a detachment of three hundred infantry, commanded by Major C. Sibley, United States army, had encamped at Indianola preparatory to embarkation. The steamer *Star of the West* was daily expected to take the command to New-York. In painful anxiety these troops were kept in suspense for many days, surrounded by an active and vindictive enemy. A steamer was sent to search after the long looked for vessel, and while under way an attempt was made to run her ashore, and thus defeat the object, and would have proved successful had not the United States officer on board seized the captain and threatened him with instant death. Such was the vigilance and power of secession committees, no man, however humble or elevated his vocation, dared to express his favorable sentiments towards the United States Government by word or deed. The authorities at Montgomery now finding that the attack upon Sumter would precipitate an open warfare, despatched Col. Van Dorn with instructions to arrest the United States officers and soldiers remaining in Texas. Upon reaching Galveston he learned that the *Star of the West* was expected at Indianola, when he obtained the steamer *General Rusk*, placed on board an armed force of volunteers with artillery awaiting the embarkation of Major Sibley's command. Approaching her by night he was hailed and answered: "United States troops to come on board." He was directed to come alongside. Col. Van Dorn and his command were assisted on board, when the captain and crew were made prisoners of war, and the ship taken possession of in the name of the Confederate States. Major Sibley ignorant of these events, and abandoning all hopes of the *Star of the West*, chartered two small schooners, the only vessels in port, and embarked his command for New-York. Upon getting under way, and proceeding to the sea, the vessels were found so crowded with men, women, children, and their baggage, it was found impossible to manage them, when an effort was made to obtain another trans-

port. The delay was fatal. While this was being accomplished, Col. Van Dorn entered the bay with three steamers laden with armed men from Galveston, upon which was placed artillery, protected by cotton-bags. He intercepted this most unfortunate command, and demanded an unconditional surrender. Major Sibley and his little band were helpless; resistance was destruction. After much delay, terms were made, and arms were surrendered, and the officers and men were permitted to return to their Government on parole. Here again that loyalty which had heretofore distinguished our soldiers was evinced, for, though surrounded by an enemy, and threatened with destruction, they commenced throwing their muskets overboard, and were only prevented by the timely interposition of their officers. Upon the surrender of their arms was conditioned their obtaining subsistence from day to day. They denounced the authority that so disgracefully betrayed them, and turned with pride and exultation to the Government they had served, and which they believed would extol their fidelity and punish the aggressors. While these events, so disgraceful and disastrous to our arms, were transpiring at Indianola, all communication was cut off with San Antonio by the large number of Texas troops in the field. These troops had congregated on the coast to capture Major Sibley and his command in the event of his not embarking.

Col. Waite, at San Antonio, was ignorant of the fate of the troops at Indianola, as he was of the command under Brevet Lieut.-Col. Reeve, Eighth infantry, consisting of three hundred men and five officers; which had, it was supposed, left Fort Bliss, on the Rio Grande, early in the month of April, but in like manner was deprived of communicating with them. A vague rumor had got abroad in the community, that the officers and men remaining in Texas were to be arrested and detained as prisoners of war. The proclamation of the President of the United States had been received, allowing twenty days for the laying down of arms. This exasperated the populace, and changed our heretofore social intercourse among the citizens to distant coldness and reserve. We felt that we were in a foreign land, surrounded by enemies. No communication was had with the Government at Washington; indeed, from the well-authenticated reports received from New-Orleans, and from Montgomery, serious doubts were entertained whether the Government we claimed was in existence. The telegraph despatches from New-Orleans, of April twenty-third, announced that Gen. Scott was at the head of the Virginia troops marching on Washington, that President Lincoln had fled, and that sixty thousand men from Virginia and Maryland were surrounding the Capital. That the Seventh New-York, and the Massachusetts regiments, had been cut up in Baltimore; and that a strong force was being organized in the North, in opposition to the policy of coercion adopted by the President of the United States. The hopes and prospects of our country were gloomy and discouraging.

On the morning of the twenty-third of April, from the assembling of the confederated troops and volunteers, it was evident some important measure was contemplated. The populace were crowding the streets in anticipation of the event. By ten o'clock, it became known that Colonel Waite, and the officers on duty with him, who were carrying out, with the utmost energy and good faith, the terms of the capitulation, were to be made prisoners of war, by orders from the President of the so-called Southern Republic. Capt. Wilcox, with his company, was designated to perform this duty, while a formidable force was in the vicinity, lest these fourteen officers, without arms or men, should manifest a disposition to resist this most flagrant violation of the terms agreed upon by Gen. Twiggs with the Texas Commissioners. The following is a minute detail of the transaction as recorded at the time:

Memorandum relating to the Arrest of Colonel C. A. Waite, U. S. A., and the Officers of the U. S. Army on Duty at San Antonio, Texas, without troops. At Col. Waite's Quarters, Col. Waite and Major Sprague only present.

SAN ANTONIO, TEXAS, April 23, 1861.

Capt. Wilcox. [with his sword, commanding Texas troops].—Good morning, Colonel!

Col. Waite.—Good morning, sir.

Capt. Wilcox.—I have come to request you to go over to Major Macklin's office.

Col. Waite.—For what purpose, sir?

Capt. Wilcox.—As a prisoner of war!

Col. Waite.—What authority have you?

Capt. Wilcox.—I have authority from Major Macklin.

Col. Waite.—Who is Major Macklin?

Capt. Wilcox.—An officer of the confederate States.

Col. Waite.—I do not, sir, recognise any such authority. Have you the authority? I should like to see it.

Capt. Wilcox then took from his pocket an order from Major Macklin, which Col. Waite read, directing him (Wilcox) to proceed with his company and arrest the officers of the United States Government on duty in San Antonio, Texas.

Col. Waite.—"I protest against any such act, and will not obey the order except by force. Have I committed any offence?" To which, Wilcox replied: "None that I know of." "It is, then," said Col. Waite, "a most unwarranted act of usurpation, and in violation of the modes and customs of civilised warfare, and a gross outrage upon my individual rights. I protest against it in the name of my country. Your authority I do not recognise, nor will I obey any order from you; nothing but the presence of a force greater than I can overcome, will cause me to relinquish my personal freedom. There is nothing in history to equal this usurpation." Thereupon Capt. Wilcox said, "I have the force," and started for the public store-houses, and immediately returned with thirty-six footmen, Texas troops, armed with rifles and sabre-bayonets. The command was halted in front of Col. Waite's quarters, when

Capt. Wilcox entered the house. Col. Waite then walked to the door, when, upon looking out, he remarked: "Is that your guard, sir?" "Yes, sir," replied Capt. Wilcox. "There are more men," remarked Col. Waite, "than I can resist, and I again protest, in the name of my country, against this gross and unwarranted act of usurpation, and in violation of my personal rights. Where do you wish me to go, sir?" "To the ordnance office, sir," said Capt. Wilcox. Colonel Waite then took his hat, and passed to the front of the guard, when arms were shouldered, and the crowd proceeded through the public street. As Col. Waite was passing into the custody of the guard, Major Sprague remarked to Capt. Wilcox: "I concur fully in every word uttered by Col. Waite in regard to this outrage." Major Sprague then joined Col. Waite, and proceeded, amid a crowd of boys.

Arriving at the building where the public offices are, the command was halted, and Capt. Wilcox ordered the other officers, viz.: Major Wm. A. Nichols, Assist. Adj.-Gen.; Major Daniel McClure, Pay Department; Brevet Lieut.-Col. D. T. Chandler, Third infantry; Capt. R. Garrard, Second cavalry; Surgeon E. A. Abadie, Medical Department; Assist. Surgeon J. R. Smith; Assist. Surgeon E. P. Langworthy, Medical Department; Capt. A. T. Lee, Eighth infantry; Lieut. E. L. Hartz, Eighth infantry; Lieut. E. W. H. Read, Eighth infantry; Capt. R. M. Potter, Military Storekeeper, who had been previously arrested, and were within the building in charge of a sentinel, to proceed. The officers in a body, in charge of the guard, were conducted to the office of Major Macklin. After a few moments' silence, Major Macklin said: "Col. Waite, it becomes my duty to arrest you, and the other officers, as prisoners of war." "By what authority, sir?" "That is my business, sir, not yours," responded Major Macklin. "But," said Col. Waite, "I should like to know by what power I am deprived of my personal rights?" "I have the power from the President of the Confederate States," answered Major Macklin. "Such authority I do not know, nor shall I obey it," said Col. Waite. "Have I, or my officers, committed any offence? Did we not come here as friends, and have we not been such to all the interests of Texas? More than that, is there not an agreement with the Texas Commissioners, guaranteeing to the men and officers, my entire command, to go out of Texas unmolested? That, sir, has been carried out faithfully on our part, in every respect. By what right, then, am I to be restricted of my liberty? and by what authority am I and my officers made prisoners of war? I protest against it!" "There is no use of protesting," said Major Macklin; "I do not wish to hear any protest, it is unnecessary—I have my orders." "But I will protest," replied Col. Waite; "in the name of my country and Government, I protest. I denounce it as an act of unwarranted usurpation, and against the custom of war, and in violation of my personal rights. I suppose you intend to regard the rights and customs of civilisation? I know no war; we have been acting as friends;

we are not here in a hostile attitude; we came into the country as friends, and are going out as such." "Yes," responded Major Macklin, "I have my duty to perform, and shall do it." "I repeat," said Col. Waite, "it is gross, unheard of, unwarranted, and treacherous; nothing but the presence of a force requires me to listen to such measures, much more to obey them. Had I the means, it would be quite different; I would resist until death." "I am aware of that," answered Major Macklin; "I have as much confidence in the courage of your officers as you have."

"What do you propose?" enquired Colonel Waite; "I am obliged to consider myself a prisoner, and should like to know the future." "I have here, sir," replied Major Macklin, "paroles," (handing a manuscript to Col. Waite,) "which the officers are at liberty to avail themselves of."

One of these was then read by Col. Waite. "Such a paper I shall not sign," said Col. Waite indignantly; "it is highly objectionable, and I shall remain a prisoner." "Very well," answered Major Macklin; "these paroles will not be presented to you again without your request it." "What rank do you hold, sir?" enquired Colonel Waite. "I am a major," replied Major Macklin. "In the provisional or regular army?" enquired Col. Waite. "In the regular army, sir, of the Confederate States," responded the Major.

A general conversation ensued among all parties, in which there was much angry excitement. Major Macklin improved the first opportunity to speak, and remarked that "he should send the officers to Victoria, one hundred miles distant, to Col. Van Dorn's headquarters," and desired to know how soon Col. Waite could be ready, and suggested to-morrow—even intimated to day; whereupon Col. Waite and the officers present said: "It was impossible to arrange their family affairs in so short a time." "How long a time," asked he, "do you require—one, two or three days?" "I presume we can have transportation?" suggested Col. Waite. "There will be transportation for you, sir!" replied Major Macklin, with emphasis and anger. Again a general conversation took place; still much excitement was evinced among all parties. The enquiry was made of Major Macklin, if he had any discretion in the matter? He replied that he had none. The character of paroles and the rights of prisoners then became a general subject of conversation. Each officer present said he desired at least twenty-four hours to consider the subject, as it was of great importance.

Col. Waite asked for one of the manuscript paroles, when Major Macklin, in a very offensive manner, declined, saying, "he had use for them." This again caused much evident, excited and indignant feeling. "It is my desire," said Col. Waite, "to put some officer in charge of our soldiers to be left here (the Eighth infantry, band and clerks at headquarters) as prisoners, should I accept the parole, to attend to their personal rights, police and comfort." "You need have no concern about that, sir," responded Macklin; "we will save you that trouble; we will attend

to that; no officer will be permitted to have anything to do with them; you will not be allowed to give any orders here." Col. Waite, in answer, said: "It is your wish and object to corrupt them, and to force them into your service, but they will not stay with you, they will desert." "Your language, sir," said Major Macklin, "is offensive; I cannot permit it." Col. Waite replied: "The facts, sir, are doubtless offensive! My language is not intended to be offensive; I will talk, and state the facts. I also claim the right to send an officer to my Government with sealed despatches, on parole." "That, sir," replied Major Macklin, "will not be allowed." "But," said Col. Waite, "can I not make my official report? To send an officer to headquarters, after important events, is the custom of all armies and troops among civilised people." "Perhaps it is, sir," replied Major Macklin. After a long conversation, and the excitement somewhat abated, Major Macklin was asked if he would grant to each officer twenty-four hours to consider upon the subject, when they would report to him in person, their determination. To this he agreed, and permitted each officer to take one of the manuscript paroles for consideration. The guard at the door was then dismissed and the officers retired.

Wednesday, April 24, 1861.

The officers met at twelve M., to-day, at the office of the commanding officer, Major Macklin, as agreed upon yesterday. No farther modifications could be had of the terms offered yesterday, excepting a provision for exchange as prisoners of war, and the privilege granted to Col. Waite to report the facts and past transactions to his Government. The terms now were, the acceptance of the paroles or to be treated as prisoners of war. There was no alternative but to be subjected to the rabble, to crowds of undisciplined troops regardless of authority or control, to the vindictive and active prejudices of men in authority who had already stipulated terms, or take the paroles offered, and ask safe conduct out of the State. The latter was determined upon as the only method which could secure safe egress or escape, and place the officers within reach of the authorities of the United States Government. Each officer took his parole under the protest made by Col. Waite the day previous.

Col Waite and his officers were now prisoners of war—on parole. To remain in the State in this situation no possible good could result; indeed, it was the desire of true and loyal citizens that they should leave as soon as possible, thus removing all cause of irritation, as they were considered obstinate enemies to the cause. A Union sentiment still lingered in the community, and there was a hope entertained by influential men that with the populace, when brought to serious reflection, their exertions would be of some avail. "But," said they, "if representatives of the Federal Government are in our midst, evil passions, leading to violent acts, will be excited, when we must come to your support, and thus endanger our lives, and jeopardise the safety of our prop-

erty and families. In the ranks were men from the North as well as the South with arms in their hands, who sought private opportunities to express to officers their devotion to the Union, but their personal safety as well as security to their property, compelled them to espouse a cause repugnant to their education, sentiments and feelings. The rapid and fearful current of disunion was too powerful for individual resistance, and the only prospect of staying or directing it, was in uniting in the wild and wayward frenzy governing the public mind. Paroles were given by each officer as follows:

Parole.

HEADQUARTERS CONFEDERATED ARMY IN TEXAS, }
SAN ANTONIO, TEXAS, April 28, 1861. }

No. 1.

I hereby do declare, upon my honor, and pledge myself as a gentleman and a soldier, that I will not take up arms or serve in the field against the government of the Confederate States in America, under my present or any other commission that I may hold during the existence of the present war between the United States and the Confederate States of America; and that I will not correspond with the authorities of the United States, either military or civil, giving information against the interest of the Confederate States of America, *unless regularly exchanged.*

[Signed] J. T. SPRAGUE,
Brevet Major and Captain Eighth Infantry
United States Army.

Accepted.

[Signed] S. MACKLIN,
Major of Infantry, Confederate States Army,
Commanding.

Witness, Capt. C. L. SAYRE,
Acting Assistant Adjutant-General,
Confederate States Army.

Safeguards were placed in the hands of the officers as follows:

Safeguard.

No. 2.

HEADQUARTERS CONFEDERATED STATES ARMY IN TEXAS, }
SAN ANTONIO, TEXAS, April 26, 1861. }

To all guards, patrols, citizens, and all concerned, within the limits of the Confederate States, the bearer, Brevet Major John T. Sprague, United States Army, a prisoner of war, on his parole of honor, is hereby permitted to pass through each and any of the Confederate States, without let, or hindrance, or molestation of any kind whatever.

[Signed] S. MACKLIN,
Major Confederate States Army, Commanding.

Col. Waite then issued the following order to the officers with him:

No. 3.

SAN ANTONIO, TEXAS, April 25, 1861.

SIR: Having been forcibly seized on the twenty-third instant, by an armed force of Texas troops, and your services being no longer required here, you will proceed to the headquarters of the

army, and report yourself in person to the General-in-Chief.

I am sir, very respectfully,
Your obedient servant,

[Signed] C. A. WAITE,
Col. United States Army.

About this time a detachment of infantry, thirty-two men, arrived in San Antonio from the interior. They were at once surrounded by an armed force of two hundred men, and required to surrender unconditionally. The soldiers protested, and commenced breaking their arms upon the ground, declaring "that no enemy to their government should ever use them." The interference of the officers put a stop to these evidences of loyalty, in which they cordially participated, but resistance was certain destruction, if not starvation, as provisions could only be obtained from the United States stores in the hands of Texas. An officer was designated to take care of these men, but the day after, his actions were circumscribed, upon receiving the following letter from the military commander:

HEADQUARTERS CONFEDERATE STATES ARMY, }
SAN ANTONIO, TEXAS, April 28, 1861. }

COLONEL: I understand that Lieutenant C. L. Hartz, Eighth infantry, visited Capt. Lee's company on yesterday, and excited them to be true to their allegiance to the United States, etc. When I granted leave to visit the company, I did not expect such a course would be pursued. I am compelled therefore to forbid any visiting only in company with an officer of the Confederate States Army. When they are to be visited, Capt. James Duff will accompany the officer, or some other officer will be detached by him.

Your obedient servant,
[Signed] S. MACKLIN,
Major Confederate States Army, Commanding.

To Col. C. A. WAITE, United States Army,
Present.

The troops from Fort Bliss, six hundred miles distant, in command of Brevet Lieut.-Col. J. V. D. Reeve, three hundred men and six commissioned officers, known to be on the way to San Antonio, caused much solicitude. Every effort was made to communicate to him the state of affairs in San Antonio, that he might retrace his steps, or cross the Rio Grande into Mexico. Mexican guides, intimately acquainted with the *Indian Trails*, were employed at high compensations; one was paid seven hundred dollars, conditioned upon his returning a written acknowledgment of his success. From the recent capture of Col. Reeve and his command by the Texans, it is presumed these messengers could not have effected the object. These troops are now in Texas, prisoners of war. Paroles were refused them; the authorities there declaring their determination to retain them as hostages.

So far removed from the Federal Government, and all communications by mail directed to Washington intercepted, there was no hope, or expectation of relief or support from any quarter

With the supervision over the entire country, through the aid of Vigilance Committees and mounted men, escape was impossible. There was no alternative, but to leave the State under the paroles given, and seek as soon as possible, the protection of the Federal Government. On the first of May, the officers left San Antonio with their families for the coast, two hundred and fifty miles distant, accompanied by an escort of Confederate States troops.

Three grave questions have been asked by the casual reader and observer, of the events following the treachery of Brevet Major-Gen. Twiggs in Texas.

The first is: Why did not Col. Waite, upon taking command, destroy the capitulation entered into by Gen. Twiggs, with the Texas Commissioners. By a careful perusal of the details, as given, the reason is obvious. His troops were scattered along a frontier fourteen hundred miles in extent, in small detachments, with which he could not communicate. He was totally destitute of subsistence, ammunition, and means of transportation.

The second: What was the duty of General Twiggs, when assuming in the month of December, the command of the Department of Texas? It was to have concentrated his entire command, two thousand five hundred men, in the vicinity of San Antonio, and protected the public property, munitions of war and supplies, and given support and confidence to the lovers of the Union.

The third: Are the paroles given to the United States officers on duty in Texas binding? This question may well be answered by asking another. Has the Government of the United States confidence in the integrity and loyalty of these officers, under these humiliating and trying events? If so, will not the public demand a faithful fulfilment? If violated, they may well doubt their oaths of allegiance, for if by artifice, fraud, or ingenious arguments, their honors may be compromised, they can, under such a subterfuge, desert their country's cause in the hour of trial. They pledged their honors, though under protest, but the necessity existed, and the paroles were given.

In taking a cursory view of events within the time referred to, we see the same sentiments and passions animating the citizens of Texas, as had distinguished the course of leading men in all parts of the South. The dark wave of rebellion had rolled with fearful rapidity towards this prosperous State. From the time Gen. Twiggs had entered upon his duties there, the current of rebellion had been gaining strength from day to day, requiring only preliminary measures, in the way of conventions and the form of elections, to perfect the object. Gov. Sam Houston refused to convene the Legislature, as the first step towards secession, declaring it was not the popular voice of Texas. He was denounced in unmeasured terms in political meetings convened in the principal towns. These proceedings having no effect upon his resolution, the citizens of counties

were desired—through self-constituted committees—to open the polls for the election of members to a State Convention, to be held in Galveston. If five citizens united in the wish, the polls were opened. The result was, the Convention held in Galveston, on the first of February, 1861. The act of secession was at once passed, and to be submitted to the people on the twenty-third of February; and if approved, to take effect on the second of March. The people were called upon to cast a vote clearly written out—for secession, against secession. The polls were guarded with care, and the bold man who dared to vote in the negative *was marked*, in the common parlance of the day. The Convention re-convened on the day appointed. The vote, as officially reported, was as follows—one hundred and twenty-two counties voted, thirty-four counties made no returns. The total vote was sixty thousand eight hundred and twenty-six, of which forty-six thousand one hundred and twenty-seven were for secession, and fourteen thousand six hundred and ninety-seven against, giving a majority of thirty-one thousand four hundred and thirty-two in favor of the measure. The Convention proceeded to enact laws, and to assume other functions more properly belonging to the Legislature of the State, when Gov. Houston informed them that, with the confirmation of the act of secession, their duties ceased, and refused any coöperation. Upon this announcement, an act was immediately passed, expelling him from the Gubernatorial chair, and appointing Lieut.-Gov. Clarke in his place. Gov. Houston, with a bold and determined spirit, surrounded by an excited people, denounced the acts of the Convention, and condemned the partisan spirit which was so rapidly hurrying Texas into the fearful vortex. He warned the country of its dangers, and declared his determination to live within the Union, and under that Government which had honored him, and secured so many blessings to all classes of society. Notwithstanding the act of the Convention, expelling him from his official chair, to which he had been called by the almost unanimous voice of Texas, he declared that he was still Governor, and should, upon the meeting of the Legislature in August, transmit his customary message, and if it was not received, he would promulgate it himself. He had an abiding faith in the sober judgment and convictions of the people, after these exciting influences had died away, and that a revulsion would take place, and the ballot-box restore him to his position and the State to its fidelity. About the tenth of April, a messenger arrived at Austin, from the Cabinet at Washington, tendering to Gov. Houston the United States forces then in camp at Indianola, *en route* out of Texas, under the Twiggs capitulation. This he declined, believing that the Union sentiment would be triumphant at the polls. Had these troops been retained, a rallying-point would have been given to thousands, who were rushed into this calamity from the fear of violence and the destruction of their property. Without the means of defence, dependent upon personal industry for subsistence from

day to day, they had no alternative but to be carried along by the crowd, under the guidance of imaginary wrongs. For a time, the most intelligent dared to speak audibly for the Union, but the pressure and the active measures applied to such in their private and public relations, as well as social, soon destroyed all indications of a favorable change. Volunteers were mustered into service, and the citizens of San Antonio formed themselves into companies, requiring doubtful men to take the oath in support of the Confederate States. Officials and practitioners at the bar renewed their oaths, and the grand-jury presented those who, by word or deed, thwarted the complete triumph of secession. The policy of the Federal Government was still undeveloped: delay and forbearance had been construed into timidity, even fear; and the belief was generally entertained by the conservative men, that a reconstruction of the Union would be attained—if not, a peaceful separation. Doubts and fears filled the public mind with intense anxiety. "Blood must be shed in less than twenty days," said a United States Senator, writing from Montgomery, on the seventh of April, "or secession is at an end." The attack upon Fort Sumter, and the Proclamation of Mr. Lincoln, on the fifteenth of April, 1861, closed the door to all compromise, unless upon constitutional grounds. The outrages inflicted upon our flag, caused those men whose sentiments had been smothered from necessity to feel deeply their position, causing them to express freely their animosity towards those who had made them partisans in a contest so critical in its character, and so doubtful in its results. The firm tone of the Proclamation and the measures adopted, created sorrow and disappointment throughout the community. "Can it be possible," said the violent partisan, "that the North is determined to make war upon us and shed our blood? We have been for secession in the hope and expectation of a re-construction of the Union, and have been led to believe there was a strong party in the North active in our behalf." The vigorous measures indicated by the Cabinet in Washington, caused a general depression in the public mind. The act of secession had now become personal, and the active supporter found himself denounced as a rebel in arms, and threatened with punishment by the Government which had protected him through a long life. The future was dark and gloomy; the streets were solitary, business was suspended, and the cheerful recognition among friends, differing in sentiment, was at an end. The Union men were silent, while the secessionists became violent and vindictive. A man from the North was at once denounced as an Abolitionist, a Black Republican, a Lincoln man—consequently, an enemy.

Our flag was denominated the *old rag*, the Government, the *hulk*, the *wreck*; and those who adhered to its destiny, were either assailed by gross epithets, or sympathy expressed for men whose fortunes were so desperate, and whose minds were so dark and deluded. In the face of

all this, there was a Union feeling in Texas. The large population of Germans, together with the Irish, Poles, and citizens from Pennsylvania and New-York, looked upon these events with sadness as well as alarm. Their families and property were around them; they had no means of escape, nor had they arms or organization for defence. There was no remedy but quiet submission. Texas, remote as she is, must be left to her own fortunes. Strike the vitals of this rebellion, and Texas will fall. She is now threatened by a Mexican army upon the Rio Grande, coming to reclaim that which they proclaim to have been wrested from them by force; and as Texas, they say, has absolved herself from her allegiance to the United States Government, Mexico claims her rights—the repossession of the "Department of Texas."

The Comanche and Apache Indians depredate within thirty miles of San Antonio, and the citizens flee to the towns for protection. It is thus this beautiful country is doomed and desolated by the foul spirit of rebellion, which is instigated and kept alive by telegrams, false reports, and exciting correspondence, leading the people to believe that the object of the North is to desolate their homes, destroy their institutions, and rob them of their property. Unfortunate and erroneous as these opinions are, there is no alternative but to meet them with the strong arm of power. Arguments, entreaties, and forbearance, are of no avail. The question is narrowed down to one of self-defence: either the Union, the Government is to be trampled under foot by desperate and sagacious men, followed by crowds, swearing allegiance to their leaders, or the lovers of the country must rise in their strength and defend their firesides and their homes. Partisanship is at an end; political opinions are swallowed up in the defence of the Union. The force of the North, physically and intellectually, must be put forth, fearlessly and steadily, without passion or excitement, but with a firm resolve to maintain inviolate, the Constitution of our country.

The South will submit to no compromise but to such as she may dictate. The separation of the Union, a total disruption of this Government, such as has been meditated for thirty years, is the only basis upon which a reconstruction can be based. They will not consent to be governed by majorities. The institutions of the South have had their sway, and the patronage of the General Government has been in their hands for a period of sixty years. Political power has been absorbed by the extension and growth of our common country; the sceptre which has guided and governed the land for so long a period, is broken; and there remains no alternative for those so long the rulers, but to disrupt the Union, or submit to the voice of the people. When the election of Mr. Lincoln was announced, one hundred guns were fired in the streets of Charleston, the sectional candidate was triumphant, and the Union declared at an end. In this conflict let us not underestimate our foes. They are judicious, sagacious, vigilant, and secretive; full of zeal, talent, and courage.

Their cause, whether real or imaginary, is in their hearts. Their leaders are honest and sincere in destroying the Government, and their followers equally so in the full belief, that the policy of the Federal Government is to desolate their homes, destroy their institutions, and rob them of their property by hordes of fanatics coming down upon them from the North.

The proclamation, recently issued by the commander of their armies, strikingly illustrates the delusion of his followers, and the determined effort to excite evil passions and prejudices among a class of men who blindly adhere to the injunctions of ambitious men. The epithets and accusations they well know to be as false as they are unworthy of the heads and hearts of those who promulgate them. Well may we ask, even in this day, were these men once our friends and countrymen? How much more will the historian, in time to come, be struck with sorrow and regret, as he gathers up for posterity the incidents and events now passing around us!*

This political revolution has introduced into the history of the times ingenious expressions to hide the more offensive epithet of treason. State rights, State sovereignty, and secession, have wrecked the fortunes of many men. These heinous and artful doctrines, fabricated and cherished in the South for thirty years, have had their influence upon the officers of the Federal Government, and induced numbers, born in the South, to abandon their colors, upon the instigation of their native States. The loyalty of the army as well as the navy have been impugned from the resignations that have occurred at this critical state of public affairs. It is the general impression that the larger portion of the officers of the army have resigned; many believe the most distinguished and talented. This is a great error. On the first of January, 1861, the army comprised eleven hundred and sixty-seven commissioned officers. Since that period to the present time, two hundred and fifty, of Southern birth and proclivities, have tendered their resignation. Nine hundred and twenty-seven remain, of well-tried loyalty, zeal, and ability, untainted by the excesses and heresies of the day. "I owe," said the immortal Clay, "supreme allegiance to my country—to my State a subordinate one." How much greater is the rebuke to the resigned officers of our army, when witnessing the position of the Commander-in-Chief, Lieut.-Gen. Winfield Scott, who, seated in his official chair in the city of Washington, is now directing the operations of two hundred and fifty thousand armed men, in and out of the field, in the defence of our constitutional rights. Time has furrowed his brow, but his intellect is as firm, well poised, and as bright as in his youth. Separated from his native State, Virginia, which for half a century has bestowed upon him honors and rewards—torn from his hearth-stone, around which clustered the warm affections of his youth—he knows no

State allegiance, no North, no South, but the Union—that flag under which he has fought from boyhood, and whose Stars and Stripes have been consecrated with his blood.

In this voluntary uprising of a nation's hosts, is there no eulogy here to-night for the mothers, wives, and sisters, who have sent forth armed men to the field? It is the mother that plants deep and lasting in the American bosom the germ of liberty. How often does manhood turn to the incidents of youth, when a mother came forth on festal days, and decked our paper caps with nodding plumes of war, buckled to our sides the tiny sabre; and as we sallied out with the miniature flag waving over our heads, her heart vibrated with enthusiasm and pride, as she surveyed the long vista of the future, and saw amid contending factions, in her boy, the patriot, the soldier, in his country's cause. The Union of these States, to-day, is stronger than ever. That flag, the memories of which are identified with our homes, our parents, relatives, and friends, is not to be trailed in the dust, but will through fire and blood, if necessary, continue to command the respect and admiration of the civilized world.

Doc. 22.

ADDRESSES DELIVERED BEFORE THE VIRGINIA STATE CONVENTION.

EXTRACTS FROM THE JOURNAL OF THE CONVENTION.

IN CONVENTION, February 14, 1861.

The President presented a communication from the Governor of the Commonwealth, enclosing a letter from the Hon. John S. Preston, of South-Carolina, presenting his credentials as Special Commissioner from the Government of South-Carolina, and enclosing also the credentials of the Hon. Fulton Anderson as Special Commissioner from the State of Mississippi.

The President presented a letter from the Hon. Henry L. Benning, presenting his credentials as Special Commissioner from the State of Georgia.

Mr. Preston offered a resolution for the appointment of a committee to wait upon said Commissioners, and inform them that this Convention respectfully invites them to seats in this hall, and will receive at such time, and in such mode as they may severally prefer, any messages they may have to deliver. Adopted.

Committee: Messrs. Preston, Harvie, Macfarland, Conrad, of Frederick, and Montague.

IN CONVENTION, February 14.

Mr. Preston, from said committee, presented a report, which was unanimously adopted, stating that the Commissioners "expressed their grateful sense of the courtesy shown to them personally,

* See Beauregard's "Booby and Beauty" Proclamation, page 286, Vol. I., *Em. Record*.

etc., and" said that if it should suit the convenience of the Convention, they desired to address it orally, on Monday next, (eighteenth instant.)

On motion of Mr. Preston,

Resolved, That the Convention will, on Monday next, at twelve o'clock, receive the Commissioners from the States of South-Carolina, Georgia, and Mississippi, according to the report of the Committee.

IN CONVENTION, February 18.

The President introduced Hon. Fulton Anderson, Commissioner from the State of Mississippi, who addressed the Convention. On the conclusion of his address, the President introduced the Hon. Henry L. Benning, Commissioner from the State of Georgia, who addressed the Convention.

IN CONVENTION, February 19.

The President introduced the Hon. John S. Preston, the Commissioner from South-Carolina, who addressed the Convention.

-On the conclusion of his address, Mr. Goode, of Bedford, offered a resolution, which was adopted, respectfully requesting said Commissioners to furnish copies of their addresses to this Convention for publication.

IN CONVENTION, March 4.

The President presented copies of the addresses of said Commissioners, and a resolution was adopted, ordering that three thousand and forty copies of the same be printed for equal distribution among the members of the Convention.

JOHN L. EUBANK,
Secretary of the Convention.

ADDRESS OF FULTON ANDERSON, OF MISSISSIPPI.

GENTLEMEN OF THE CONVENTION: Honored by the Government of Mississippi with her commission to invite your coöperation in the measures she has been compelled to adopt for the vindication of her rights and her honor in the present perilous crisis of the country, I desire to express to you, in the name and behalf of her people, the sentiments of esteem and admiration which they in common with the whole Southern people entertain for the character and fame of this ancient and renowned commonwealth.

Born under the same Confederate Government with yourselves, and participating in the common inheritance of constitutional liberty in the achievement of which your ancestors played so distinguished a part, we take as much of pride and pleasure as you, her native sons, in the great achievements and still greater sacrifices which you have made in the cause of the common government, which has in the past united them to you; and nothing, which concerns your honor and dignity in the future can fail to enlist their deepest sympathies. In recurring to our past history, we recognise the State of Virginia as the

leader in the first great struggle for independence; foremost not only in the vindication of her own rights, but in the assertion and defence of the endangered liberties of her sister colonies; and by the eloquence of her orators and statesmen, as well as by the courage of her people arousing the whole American people in resistance to British aggression. And when the common cause had been crowned with victory under her great warrior-statesman, we recognise her also as the leader in that great work by which the emancipated colonies were united under a written Constitution, which for the greater part of a century has been the source of unexampled progress in all that constitutes the greatness and the happiness of nations; nor do we forget that that progress has been due in a preëminent degree to the munificent generosity of Virginia, in donating as a free gift to her country, that vast territory north-west of the Ohio River, which her arms alone had conquered, and which now constitutes the seat of empire, and, alas! too, the seat of that irresistible power, which now erects its haughty crest in defiance and hostility, and threatens the destruction of the honor and the prosperity of this great State.

I desire, also, to say to you, gentlemen, that in being compelled to sever our connection with the Government which has hitherto united us, the hope which lies nearest to our hearts is that, at no distant day, we may be again joined with you in another Union, which shall spring into life under more favorable omens and with happier auspices than that which has passed away; and if, in the uncertain future which lies before us, that hope shall be destined to disappointment, it will be the source of enduring sorrow and regret to us that we can no more hail the glorious soil of Virginia as a part of our common country, nor her brave and generous people as our fellow-citizens.

Fully participating in these sentiments myself, it is with pride and pleasure that I accepted the commission of my State for the purpose I have indicated. Though, when I consider the gravity of the occasion, the high interests which are involved, and the enduring influence which your deliberations are to have upon the destinies of present and future generations, I confess my regret that the cause on which I am come has not been entrusted to abler and worthier hands.

In setting forth to you, gentlemen, the action of my State and the causes which have induced it, I shall be compelled to speak in terms of condemnation of a large portion of what has hitherto been our common country; but, in doing so, I wish to be understood as excepting from whatever terms of censure I may employ, that large body of patriotic and conservative men of the Northern section, who have, in all our struggles, manfully defended the constitutional rights of our section. From them, the people of my State have no cause of complaint, and whatever the future may bring forth, we shall ever remember their efforts in behalf of the Constitution and Union, as we received them from their ancestors and ours with admira-

tion and gratitude. Our grievances are not from them, but from the dominant faction at the North, which has trampled them under foot and now strikes at us from the elevation it has obtained upon the prostrate bodies of our friends.

I propose, gentlemen, in discharge of my mission to you, briefly to invite your attention to a review of the events which have transpired in Mississippi, since the fatal day when that sectional Northern party triumphed over the Constitution and the Union at the recent election, and afterwards to the causes which have induced the action of my State.

On the twenty-ninth of November last, the Legislature of Mississippi, by a unanimous vote, called a Convention of her people, to take into consideration the existing relations between the Federal Government and herself, and to take such measures for the vindication of her sovereignty and the protection of her institutions as should appear to be demanded. At the same time, a preamble, setting forth the grievances of the Southern people on the slavery question, and a resolution, declaring that the secession of each aggrieved State, was the proper remedy, was adopted by a vote almost amounting to unanimity. The last clause of the preamble and the resolution, are as follows:

"Whereas, They (the people of the non-slaveholding States) have elected a majority of electors for President and Vice-President, on the ground that there exists an irreconcilable conflict between the two sections of the Confederacy, in reference to their respective systems of labor, and in pursuance of their hostility to us and our institutions, have thus declared to the civilized world that the powers of the Government are to be used for the dishonor and overthrow of the Southern section of this great Confederacy. Therefore, be it

"Resolved by the Legislature of the State of Mississippi, That in the opinion of those who constitute said Legislature, the secession of each aggrieved State is the proper remedy for these injuries."

On the day fixed for the meeting of the Convention, that body convened in Jackson, and on the ninth January, 1861, proceeded to the adoption of an ordinance of secession from the Federal Union, by which the State of Mississippi withdrew from the Federal Government the powers theretofore confided to it, and assumed an independent position among the powers of the earth; determined thenceforth to hold the people of the non-slaveholding section of the late Confederacy as she holds the balance of mankind: enemies in war, and in peace friends. But at the same time, and by the same ordinance, it was provided "that the State of Mississippi hereby gives her consent to form a Federal Union with such of the States as may have seceded, or may secede, from the Union of the United States of America, upon the basis of the present Constitution of the United States."

This action of the Convention of Mississippi, gentlemen of the Convention, was the inevitable

result of the position which she, with other slaveholding States, had already taken, in view of the anticipated result of the recent Presidential election, and must have been foreseen by every intelligent observer of the progress of events.

As early as the tenth of February, 1860, her Legislature had, with the general approbation of her people, adopted the following resolution.

"Resolved, That the election of a President of the United States by the votes of one section of the Union only, on the ground that there exists an irrepressible conflict between the two sections in reference to their respective systems of labor, and with an avowed purpose of hostility to the institution of slavery, as it prevails in the Southern States, and as recognised in the compact of Union, would so threaten a destruction of the ends for which the Constitution was formed, as to justify the slaveholding States in taking counsel together for their separate protection and safety."

Thus was the ground taken, gentlemen, not only by Mississippi, but by other slaveholding States, in view of the then threatened purpose of a party founded upon the idea of unrelenting and eternal hostility to the institution of slavery, to take possession of the power of the Government, and use it to our destruction. It cannot, therefore, be pretended that the Northern people did not have ample warning of the disastrous and fatal consequences that would follow the success of that party in the election, and impartial history will emblazon it to future generations, that it was their folly, their recklessness and their ambition, not ours, which shattered into pieces this great Confederate Government, and destroyed this great temple of constitutional liberty which their ancestors and ours erected, in the hope that their descendants might together worship beneath its roof as long as time should last.

But, in defiance of the warning thus given, and of the evidences accumulated from a thousand other sources, that the Southern people would never submit to the degradation implied in the result of such an election, that sectional party, bounded by a geographical line which excluded it from the possibility of obtaining a single electoral vote in the Southern States, avowing for its sentiment implacable hatred to us, and for its policy the destruction of our institutions, and appealing to Northern prejudice, Northern passion, Northern ambition, and Northern hatred of us, for success, thus practically disfranchising the whole body of the Southern people, proceeded to the nomination of a candidate for the Presidency who, though not the most conspicuous personage in its ranks, was yet the truest representative of its destructive principles.

The steps by which it proposed to effect its purposes, the ultimate extinction of slavery, and the degradation of the Southern people, are too familiar to require more than a passing allusion from me.

Under the false pretence of restoring the Government to the original principles of its founders,

but in defiance and contempt of those principles, it avowed its purpose to take possession of every department of power, executive, legislative, and judicial, to employ them in hostility to our institutions. By a corrupt exercise of the power of appointment to office, they proposed to pervert the judicial power from its true end and purpose, that of defending and preserving the Constitution, to be the willing instrument of its purposes of wrong and oppression. In the mean time it proposed to disregard the decisions of that august tribunal, and by the exertion of bare-faced power, to exclude slavery from the public territory, the common property of all the States, and to abolish the internal slave-trade between the States acknowledging the legality of that institution.

It proposed further to abolish slavery in the District of Columbia, and in all places within the territory of the several States, subject under the Constitution to the jurisdiction of Congress, and to refuse hereafter, under all circumstances, admission into the Union of any State with a Constitution recognising the institution of slavery.

Having thus placed the institution of slavery, upon which rests not only the whole wealth of the Southern people, but their very social and political existence, under the condemnation of a Government established for the common benefit, it proposed in the future, to encourage immigration into the public territory, by giving the public land to immigrant settlers, so as, within a brief time, to bring into the Union free States enough to enable it to abolish slavery within the States themselves.

I have but stated generally the outline and the general programme of the party to which I allude, without entering into particular details, or endeavoring to specify the various forms of attack, which have been devised and suggested by the leaders of that party upon our institutions.

That this general statement of its purposes is a truthful one, no intelligent observer of events will for a moment deny; but the general view and purpose of the party has been sufficiently developed by the President elect.

"It is my opinion," says Mr. Lincoln, "that the slavery agitation will not cease until a crisis shall have been reached and passed. A house divided against itself cannot stand. I believe this Government cannot endure permanently, half slave and half free. I do not expect the house to fall, but I expect it to cease to be divided. It will become all one thing or all another. Either the opponents of slavery will arrest its further spread, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction, or its advocates will push it forward until it shall become alike lawful in all the States—old as well as new, North as well as South."

The party thus organized on the principle of hostility to our fundamental institutions, and upon the avowed policy of their destruction, with a candidate thus representing that principle

and policy, has succeeded in the Presidential election, by obtaining a large majority of the votes of the people of the non-slaveholding States, and on the fourth of March next, would, unless prevented, have taken possession of the power and patronage of our common government, to wield them to our destruction. In contemptuous disregard of the principle on which that Government was founded, and received our assent, to insure domestic tranquillity, promote the general welfare, and, within the limit of its constitutional power, to exercise a fostering and paternal care over every interest of every section, it was to become our foe and our oppressor, and never to pause in its career of hostility and oppression until our dearest rights, as well as our honor, were crushed beneath its iron heel.

We, the descendants of the leaders of that illustrious race of men who achieved our independence and established our institutions, were to become a degraded and a subject class, under that Government which our fathers created, to secure the equality of all the States—to bond our necks to the yoke which a false fanaticism has prepared for them, and to hold our rights and our property at the sufferance of our foes, and to accept whatever they might choose to leave us as a free gift at the hands of an irresponsible power, and not as the measure of our constitutional rights.

All this, gentlemen, we were expected to submit to, under the fond illusion that at some future day, when our enemies had us in their power, they would relent in their hostility; that fanaticism would pause in its career without having accomplished its purpose; that the spirit of oppression would be exorcised, and, in the hour of its triumph, would drop its weapons from its hands, and cease to wound its victim. We were expected, in the language of your own inspired orator, to "indulge in the fond illusions of hope; to shut our eyes to the painful truth, and listen to the song of that syren until it transformed us into beasts."

But we in Mississippi, gentlemen, are no longer under that illusion. Hope has died in our hearts. It received its death-knell at the fatal ballot-box in November last, and the song of the syren no longer sounds in our ears. We have thought long and maturely upon this subject, and we have made up our minds as to the course we should adopt. We ask no compromise, and we want none. We know that we should not get it if we were base enough to desire it, and we have made the irrevocable resolve to take our interests into our own keeping.

I have already said that twelve months since the State of Mississippi, in company with other slaveholding States, had taken a position, in anticipation of the result of the recent Presidential election, from which they could not recede if they were base enough to desire it. I shall be pardoned by you, I trust, for adding that an event, of then recent occurrence, which deeply concerned the honor and the dignity of Virginia, exercised a controlling influence in consolidating

the Southern mind on this subject. When the exasperation was at the highest, which had been caused by the long and weary struggle which the Southern people had been compelled to make in defence of their institutions, the daring outrage on your soil, to which I allude, was perpetrated.

This State, relying on the faith of constitutional obligations, and of those friendly relations which they were created to uphold and maintain, unconscious herself of any sentiment less noble than that of unwavering loyalty to her constitutional obligations, and, therefore, wholly unsuspecting of any treasonable design against her own peace and welfare, was, in a moment of fancied repose, in a time of profound peace, to her own amazement and that of the whole Southern people, made the scene of a foray by a band of conspirators and traitors from the Northern States, whose purpose was to light up the fires of a servile insurrection, and to give your dwellings to the torch of the incendiary, and your wives and children to the knives of assassins. The disgraceful attempt, it is true, ended in ignominious failure; true that your slaves proved loyal, and by a prompt execution of your laws you vindicated your dignity, and exacted from the wretched criminals the just forfeiture of their lives. But the event had, nevertheless, a terrible significance in the minds of the Southern people. It was justly considered as the necessary and logical result of the principles, boldly and recklessly avowed by the secessionary party which was then grasping at the reins of Government, and which is now about to be inaugurated into power.

Let it not be supposed that I refer to this disgraceful event with a desire to stir up a spirit of hostility and revenge, or to reawaken those sentiments of just indignation which the fact is so well calculated to excite. I refer to it as a necessary and legitimate result of the irrepressible conflict which has been proclaimed, of which the President-elect gave a true exposition when he said: "There is a judgment and a conscience at the North against slavery, which must find an outlet either through the peaceful channel of the ballot-box, or in the multiplication of John Brown raids." I refer to it as a warning to the people of the Southern States, and to you the people of Virginia, of what they and you are to expect in the future, when that party, whose principles thus give encouragement, aid and comfort to felons and traitors, shall have firmly established its dominion over you.

These are some of the causes, gentlemen, which have at last convinced the people of Mississippi that the hour has arrived when, if the South would maintain her honor, she must take her own destiny into her own hands; but let it not be supposed that they have not always felt a strong attachment to the Union of the Constitution, provided, that instrument could be administered in the spirit in which it was created. The form of government, on the contrary, is dear to their hearts, and its necessity to them and their

posterity, has received the sanction of their judgments. Loving it not wisely, but too well, they have clung to it long after its obligations were abandoned by those who were the chief recipients of its benefits, under the fond illusion that a returning sense of justice, and a restoration of fraternal relations formerly existing, would secure to them their rights. They long and vainly hoped that the time would again return, when each and every section of the Confederacy would recognise the rights and interests of all, and that we might in harmony with each other have continued to rejoice over what had been achieved of glory and prosperity in the past, and to look forward with united hope to the bright and glorious prospect which an observance of the principles of the Constitution promised in the future.

Alas! how has that hope been disappointed; how has that illusion been dispelled!

Could we think that the crisis which is now upon us was but a temporary ebullition of temper in one section of the country, which would in brief time subside, we might even yet believe that all was not lost, and that we might yet rest securely under the shadow of the Constitution. But the stern truth of history, if we accept its teachings, forbids us such reflections. It is not to be denied that the sentiment of hatred to our institutions in the Northern section of the Confederacy is the slow and mature growth of many years of false teaching, and that as we have receded further and further from the earlier and purer days of the Republic, and from the memory of associated toils and perils in a common cause, which once united us, that sentiment of hatred has been fanned from a small spark into a mighty conflagration, whose unextinguishable and devouring flames are reducing our empire into ashes.

Ere yet that generation which achieved our liberty had passed entirely from the scene of action, it manifested itself in the Missouri controversy. Then were heard the first sounds of that fatal strife which has raged, with occasional intermissions, down to this hour. And so ominous was it of future disaster, even in its origin, that it filled even the sedate soul of Mr. Jefferson with alarm; he did not hesitate to pronounce it, even then, as the death-knell of the Union, and in mournful and memorable words, to congratulate himself that he should not survive to witness the calamities he predicted. Said he:

"This momentous question, like a fire-bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union. It is hushed, indeed, for the present, but that is only a reprieve, not a final sentence. A geographical line, coinciding with a marked principle, moral and political, once concurred in and held up to the passions of men, will never be obliterated, and every new irritation will mark it deeper and deeper, until it will kindle such mutual and mortal hatred as to render separation preferable to eternal discord. I regret that I am now to die in the belief that the useless sacrifice of themselves by the generation of 1776, to acquire self-government and happiness for their

country, is to be thrown away by the unwise and unworthy passions of their sons, and that my only consolation is to be that I live not to weep over it."

But, so far were the Northern people from being warned by these sad, prophetic words, that at each renewal of the struggle the sentiment of hostility has acquired additional strength and intensity. The passions enlisted in it have become more bitter, the disregard of constitutional obligations more marked, and the purpose to destroy our institutions more fixed and definite.

An infidel fanaticism, crying out for a higher law than that of the Constitution, and a holier Bible than that of the Christian, has been enlisted in the strife, and in every form which the opinions of a people can be fixed and their sentiments perverted. In the school-room, the pulpit, on the rostrum, in the lecture-room, and in the halls of legislation, hatred and contempt of us and our institutions, and of the Constitution which protects them, have been inculcated upon the present generation of Northern people. Above all, they have been taught to believe that we are a race inferior to them in morality and civilization, and that they are engaged in a holy crusade for our benefit, in seeking the destruction of that institution which they consider the chief impediment to our advance, but which we, relying on sacred and profane history for our belief in its morality, believe lies at the very foundation of our social and political fabric, and constitutes their surest support.

This, gentlemen, is indeed an irrepressible conflict which we cannot shrink from if we would; and though the President-elect may congratulate himself that the crisis is at hand which he predicted, we, if we are true to ourselves, will make it fruitful of good by ending forever the fatal struggle, and placing our institutions beyond the reach of further hostility.

I know not, gentlemen, what may be your views of the subject, nor what you purpose in this crisis; but I have already told you what the people of Mississippi have resolved on, and to that determination, you may rely upon it, they will adhere through every extremity of prosperous or adverse fortune. They, like you, are the descendants of a revolutionary race, which for far less cause raised the banner of resistance against a far mightier power, and never lowered it until that victory which the God of battles gives to brave men in a just cause, had crowned their efforts and established their independence; and they have, like them, decided that the time has arrived to trust for the safety of their honor and rights, only to their own strong arms and stout hearts, rather than submit to placing those priceless blessings in the keeping of their inveterate foes.

I shall enter, gentlemen, into no discussion of the right of secession, whether it be peaceful and constitutional, or violent and revolutionary. If declared that the question must, in the nature of things, be decided first by those who would force us back into a Union with them, which we have

repudiated, and when they shall have made up their minds on that subject, it will remain for us to join the issue and accept the consequences, be they peaceful or bloody. We shall do all in our power to avoid a hostile collision with those who were once our brothers, though now divided from us by an impassable gulf; we wish them no harm, and could our prayers avail them, we would freely offer them, that in their future destiny they may have that prosperity, liberty and peace which we intend to seek for ourselves under a new organization. All good men too will pray that that Providence which presides over the destinies of nations, and shapes their ends, rough-hew them as they will, will so ordain that the friends of liberty throughout the world may not have cause to mourn over the folly and madness, and wickedness, of an effort by arms on this continent, to subject a whole people, united in the vindication of their rights, and resolved to die in their defence.

But if it must be so, and we are compelled to take up arms, we trust we shall know how to bear ourselves as freemen engaged in a struggle for their dearest rights. We have learned the lesson how to do so, from the history of your own noble Commonwealth, and we shall attempt, at least, to profit by the glorious example.

The conviction of the justice of their cause will be a tower of strength in the hour of battle, and inspire the hearts of the Southern people like the sounds of that divine music, which, in the words of Milton,

"Cheered the hearts of heroes old,
Arming to battle; and instead of rage,
Deliberate valor breathed firm and unmoved
By dread of death to flight or foul retreat."

And when that hour comes, we know, too, where Virginia will stand. Her banner will float proudly "over the perilous edge of battle" wherever it rages, and the blood of her sons will enrich every field where Southern men strike for their rights and their honors.

Having thus stated the action of my State, and the causes which induced it, I should, probably, best consult the proprieties of the occasion, by adding nothing to what I have said. I trust, however, I shall be pardoned for offering one or two suggestions for your consideration. The fundamental idea which has influenced the action of the seceding States, is the demonstrated necessity that the Southern people should take their interest and their honor into their own keeping, and thus rescue them from the power of an avowedly hostile Government. It is not that they are opposed to an union of the Confederate States. Such a form of government is not only dear to their hearts, but its value and necessity to them, and their posterity, receive the recognition and approval of their judgments. It is no fault of theirs that the Union, as it recently existed, has ceased to be practicable or desirable. The Southern people may well recur with pride to the history of their connection with that Government. Well may they ask when have they, as States or individuals, proved faithless to the obligations it

imposed? In what point have they fallen short of the full measure of duty and comity to their sister States? What indulgences have they not showed to the insulting prejudices and unreasoning fanaticism of the other section? What sacrifices of blood and treasure have they not made in the common cause, and what efforts to bring back the harmony (halcyon days) which, in the language of one of her most eloquent sons, reigned in those days when Massachusetts summoned Washington to lead the armies of New-England, and when Virginia and Carolina sent supplies of corn and rice to their famishing brethren in Boston?

But such a form of government being demonstrated to be impracticable with the Northern people, all that is left us is the creation of a great and powerful Southern Union, composed of States inhabited by homogeneous populations, and having a common interest, common sympathies, common hopes, and a common destiny.

This is the inevitable destiny of the Southern people, and this destiny Virginia holds in her hands. By uniting herself to her sisters of the South, who are already in the field, she will make that a peaceful revolution which may otherwise be violent and bloody. At the sound of her trumpet in the ranks of the Southern States, "grim-visaged war will smooth his wrinkled front," peace and prosperity will again smile upon the country, and we shall hear no more threats of coercion against sovereign States asserting their independence. The Southern people, under your lead, will again be united, and liberty, prosperity, and power, in happy union, will take up their abode in the great Southern Republic, to which we may safely entrust our destinies. These are the noble gifts which Virginia can again confer on the country, by prompt and decided action at the present.

In conclusion, gentlemen, let me renew to you the invitation of my State and people, to unite and coöperate with your Southern sisters who are already in the field, in defence of their rights. We invite you to come out from the house of your enemies, and take a proud position in that of your friends and kindred. Come, and be received as an elder brother, whose counsels will guide our action and whose leadership we will willingly follow. Come and give us the aid of your advice in counsel, and your arm in battle, and be assured that when you do come, as we know you will do at no distant day, the signal of your move will send a thrill of joy vibrating through every Southern heart, from the Rio Grande to the Atlantic, and a shout of joyous congratulation will go up, which will shake the continent from its centre to its circumference.

ADDRESS OF HENRY L. BENNING, OF GEORGIA.

MR. PRESIDENT AND GENTLEMEN OF THE CONVENTION: I have been appointed by the Convention of the State of Georgia, to present to you the ordinance of secession of Georgia, and, further, to invite Virginia, through you, to join Georgia and the other seceded States in the formation of a Southern Confederacy. This, sir, is the whole

extent of my mission. I have no power to make promises, none to receive promises; no power to bind at all, in any respect. But still, sir, it has seemed to me that a proper respect for this Convention requires that I should, with some fulness and particularity, exhibit to the Convention the reasons which have induced Georgia to take that important step of secession, and then to lay before the Convention some facts and considerations in favor of the acceptance of the invitation by Virginia. With your permission then, sir, I will pursue this course.

What was the reason that induced Georgia to take the step of secession? That reason may be summed up in one single proposition. It was a conviction—a deep conviction on the part of Georgia—that a separation from the North was the only thing that could prevent the abolition of her slavery. This conviction was the main cause. It is true that the effect of this conviction was strengthened by a further conviction that such a separation would be the best remedy for the fugitive slave evil, and also the best, if not the only remedy, for the territory evil. But, doubtless, if it had not been for the first conviction the step would not have been taken. It, therefore, becomes important to enquire whether this conviction was well founded.

Is it true, then, that but for the separation from the North, slavery would be abolished in Georgia? I address myself to the proofs of that proposition.

In the first place, I say that the North hates slavery. And I use the expression, *the North hates slavery*, designedly. Hate is the feeling, and it is the whole North that bears it. That this is true of the Black Republican party at the North will, I suppose, be admitted. If there is a doubt upon it in the mind of any one who listens to me, a few of the proofs which could fill this room, will, I think, be sufficient to satisfy him. I beg to refer to a few of the proofs—and the first that I shall adduce consists in two or three sentences from a speech of Mr. Lincoln's, made in October, 1858. They are as follows: "I have always hated Slavery as much as any abolitionist; I have always been an old line Whig; I have always hated it, and I always believed it in the course of ultimate extinction, and if I were in Congress, and a vote should come up on the question whether slavery should be excluded from the territory, in spite of the Dred Scott decision, I would vote that it should."

These are pregnant sentences. They contain both a sentiment and a principle of political conduct. The former is, that his hatred of slavery equals that of any abolitionist, and, therefore, that it equals that of Sumner or John Brown. The latter is, that his action against slavery is not to be restrained by the Constitution of the United States, as interpreted by the Supreme Court of the United States. If you can find any degree of hatred greater than that, I should like to see it. This is the sentiment of the chosen leader of the Black Republican party; and can you doubt that it is not entertained by every member of that

party? You cannot, I think. He is a representative man; his sentiments are the sentiments of his party; his principles of political action are the principles of political action of his party. I insist, then, that it is true that at least the Republican party of the North hates slavery.

My next proposition is, that the Republican party is the North. That party is in a permanent majority there, and in a government organized like the governments of the United States, and like our own government, a majority, where it is permanent, is equivalent to the whole. The minority is powerless if the majority be permanent. Now, is this majority of the Republican party permanent? I say it is. That party is so deeply seated at the North that you cannot overthrow it. It has the press—it has the pulpit—it has the school-house—it has the State organizations—the governors, legislatures, judges, county officers, magistrates, constables, mayors, in fact, all official life. Now, it has the General Government in addition. It has that inexhaustible reserve to fall back upon and to recruit from, the universal feeling at the North that slavery is a moral, social, and political evil. With this to fall back upon, recruiting is easy. This is not all. The Republican party is now in league with the tariff, in league with internal improvements, in league with the land donation policy, in league with three Pacific railroads. Sir, you cannot overthrow such a party as that. As well might you attempt to lift a mountain out of its bed and pitch it into the sea.

But, suppose, sir, that by the aid of Providence and the intensest human exertion, you were enabled to overthrow it, how long would your victory last? But a very short time. The same ascendancy which that party has gained now, would be gained again before long. If it has come to its present majority in the course of twenty-five years, from nothing, how long would it take the fragments to get again into a majority? Sir, it would take only two or three Presidential elections, and your labor would be worse than the labor of Sisyphus. Every time you rolled the stone up the hill, it would grow larger and larger, until finally it would come down with the dimensions of an avalanche, and crush all before it.

The Republican party, then, is the permanent, dominant party at the North, and it is vain to think that you can put it down. It being true that the Republican party hates slavery, and that it is to be the permanent, dominant party at the North; and the majority, when permanent, being equivalent to the whole, it follows that, practically, the Republican party is the North, and, therefore, that practically the whole North hates slavery. But, indeed, what is the feeling of the rest of the Northern people upon this subject? Can you trust them? Even they say that slavery is a moral, social and political evil. Then the natural result of that feeling must be hatred to the institution; and if that feeling is not entertained, it must be the consequence of something artificial or temporary—some interest, some thirst for office, or some confidence in immediate ad-

vancement. And we know that these considerations cannot be depended upon, and, therefore, we may expect that, ultimately, the whole North will pass from this inactive state of hatred, into the state which animates the Black Republican party.

Is it true, then, that the North hates slavery? My next proposition is, that, in the past the North has, at every instant, invariably exerted against slavery, all the power which it had at that instant. The question merely was, what was the amount of power it had to exert against it. They abolished slavery in that magnificent empire which you presented to the North; they abolished slavery in every Northern State, one after another; they abolished slavery in all the territory above the line of thirty-six degrees, and thirty minutes, which comprised about one million square miles. They have endeavored to put the Wilmot Proviso upon all the other territories of the Union, and they succeeded in putting it upon the territories of Oregon and Washington. They have taken from slavery all the conquests of the Mexican war, and appropriated them to anti-slavery; and if one of our fugitives escapes into the States, they do all they can to make a free man of him; they maltreat his pursuers, and sometimes murder them. They make raids into your States with a view to raise insurrection, to destroy and murder indiscriminately all classes, ages and sexes, and when the perpetrators are caught and brought to punishment, half the North go into mourning. If some of the perpetrators escape, they are shielded by the authorities of Northern States—not by an irrepressible mob, but by the regularly organized authorities.

My next proposition is, that we have a right to argue from the past to the future, and to say, that if in the past the North has done this, it will in the future abolish slavery, if it shall acquire the power to do so.

My next proposition is, that the North is in the course of acquiring this power. Is that true? I say, gentlemen, that the North is acquiring that power by two processes, one of which is operating with great rapidity—that process is by the admission of new States. The public territory is capable of forming from twenty to thirty States of larger size than the average of the States now in the Union. This territory has now become Northern territory, and every State that comes into the Union will be a free State. We may rest assured, sir, that that is a fixed fact. The events in Kansas should satisfy every one of the truth of this. The other process is, that by which some of our own slave States are becoming free States. In some of the slave States the slave population is actually on the decrease; and, I believe that in all of them, it is relatively to the white population, on the decrease. The census shows that slaves are decreasing in Delaware and Maryland; and that in the other States, in the same parallel, the relative state of the decrease and increase is against the slave population. It is not wonderful that this should be so. The anti-slavery feeling has become so great at the North, that the owners of slave property in these States have a pre-

sentiment that it is a doomed institution, and the instincts of self-interest impel them to get rid of doomed property. The consequence is, that slavery will go down lower and lower—until it gets to the bottom—the Cotton States.

What else could be expected? It has upon it the weight of the half of a Continent—and under the pressure of such a weight as that, it must continue to sink until it reaches the bottom, and with an ever increasing rapidity, for as it sinks the weight on it will ever increase. When it shall have reached the bottom, the time will have come when the North will have the power to amend the Constitution. And then she will amend it and abolish slavery.

My proposition is, then, I insist, true—that the North is acquiring the power to abolish slavery in the Cotton States. We have seen that as soon as she acquires the power she will exercise it.

The next question, therefore, is, what kind of thing will that abolition be?

By the time that such abolition comes, the black race in those States will be double of the white. Consequently, as the majority, it will then go into political power; and those States will have black governors, black judges, black legislators, black juries, black witnesses—everything black.

Is it to be supposed that the white race will stand that? It is not a supposable case. Although not half so numerous, we may readily assume that war will break out everywhere, like hidden fire; and it is probable that the white race, being superior in every respect, may at first push the other back.

The latter will then call upon the General Government for aid to put down domestic violence, and that Government will obey the call, and come down upon us with overwhelming numbers.

The consequence will be, that our men will be all exterminated, or expelled to wander as vagabonds over a hostile earth; and as for our women, their fate will be too horrible to contemplate even in fancy.

This is the meaning of abolition, as it concerns the white race in the Cotton States.

But this is not all. The white race having been exterminated, the land will go into the exclusive possession of the black, and will, in consequence, rapidly pass into the condition of St. Domingo, and become a howling wilderness. The North, looking on, will say to itself, this ought not to be, and, mindful of its ancient principle, it will declare that this goodly land and the fulness thereof are the Lord's, and he made it not for these black heathen, but for his saints—and we are his saints. And then they will take possession of it and exterminate the blacks. Thus the end will be that the Yankee will walk our soil as sole lord, having exterminated both us and our slaves.

This is what abolition in the Cotton States would be. Sir, can you blame us for flying to any measure to prevent this?

The next question, therefore, is as to that measure—is as to a remedy. And it is manifest that to render anything a remedy, it must have one or both of two properties—a property to

eradicate the hate borne by the North to slavery, or else a property to prevent the North from acquiring the power to abolish slavery. Any thing not containing one of these two properties, cannot, it is clear, be a remedy for the disease.

What remedy is it that contains these requisites? Is there any in the Union that does? Let us take the strongest that we have heard suggested, which is an amendment of the Constitution, guaranteeing the power of self-preservation, and dividing the public territory at the line of thirty-six degrees and thirty minutes, giving the South all below that line. I know that that remedy has not been thought of as attainable. But, let us look at it. Suppose the North grant us the power of self-preservation, as it is called—suppose they give to each senator and member the veto power over any bill relating to slavery. That is putting it strong enough. Would that be sufficient to make it a remedy? I say it would not, and for two reasons. The first is, that the North regards every such stipulation as void under "the higher law." The North entertains the opinion that slavery is a sin and a crime. I mean, when I say the North, the Republican party, and that is the North; and they say that any stipulation in the Constitution or laws in favor of slavery, is an agreement with death and a covenant with hell; and, therefore, that it is absolutely a religious merit to violate the stipulation. They think it as much a merit to violate a provision of that sort, as it is to violate a stipulation in favor of murder or treason.

Well, sir, a people entertaining this opinion, is beyond the pale of contract-making. You cannot make a contract with a people of that kind, because it is a bond, as they regard it, not binding upon them. That being so, how will it be any protection to us, that our Senators and Representatives shall have a grant of the power of saying that a bill shall not pass? Suppose a bill, on its passage, for the abolition of our slavery. A Georgia Senator says: "I veto this bill." The Northern Senators reply: "The clause giving you such a veto, is against the higher law, and therefore your veto is void in law." He rejoins: "That is not so, but, at any rate, it would be a fraud in you to insist on this view, for you know the South would not have staid in the Union if you had not agreed to that clause." They reply again: "Tut, tut, we proclaimed from the mountaintops, in a voice to be heard by the whole continent, that slavery is a sin and a crime, and that any stipulation in favor of it, was therefore void. You had notice; your plea, therefore, is not good, either at law or in equity." And thus this protective veto power would prove worthless.

The next reason is this: the North entertains the idea that this is a consolidated Government, that the people are one nation, not a confederation of States, and that, being a consolidated Government, the numerical majority is sovereign. Mr. Lincoln has just declared, that a State is no more than a county. A necessary result of that doctrine is, that the Constitution of the United States is, at any time, subject to amendment by a bare

majority of the whole people. This being so, it follows, that any clause in the Constitution would be subject to repeal by the will of a mere numerical majority of the people, for a provision against such repeal would be no more binding on the sovereign, the numerical majority, than is an act of a Legislature restricting legislative power binding on a future Legislature.

Consequently the supposed veto clause would be worthless for this second reason, the North having a permanent numerical majority.

It follows, that no stipulation of the North, in favor of slavery, not even a constitutional one, is at all trustworthy; and therefore, that no such stipulation can be accepted as sufficient by the Cotton States.

If it is true of such constitutional amendments as these, that they are not sufficient, it must in a still greater degree be true of all lesser amendments and measures, such as the Crittenden resolutions. Indeed, we may say of any conceivable amendment, that it would prove insufficient.

The only question then is, would a separation from the North be a remedy? I say, it would be a complete remedy; a remedy that would reach the disease in all its parts. If we were separated from the North, the will of the North on the subject of slavery would be changed. Why is it now that the North hates slavery? For the reason that they think they are, to some extent, responsible for the institution because of the Union, and for the reason that by hating slavery they get office. Let there be a separation, and this feeling will no longer exist, because slavery will no longer enter into the politics of the North. Does slavery in the South enter into the politics of England or France? Does slavery in Brazil or Cuba enter into the politics of the North? Not at all; and if we were separate, the subject of slavery would not enter into the politics of the North. I say, therefore, that this remedy would be sufficient to cure the branch of the disease consisting in the hate which the North bears to slavery.

At any rate, it would be sufficient to cure the other branch. That by which the North is acquiring the power to abolish slavery.

States out of the Union are beyond the years and nays of the North.

Separation takes slavery out of the hands of its enemies, and puts it in the hands of its friends. And that is a complete remedy for the case. As long as slavery remains in the hands of its enemies, there is for it no safety; it lives at mere sufferance.

I think, then, that I am justified in saying that this conviction in the mind of Georgia—namely, that the only remedy for this evil is separation—was well-founded.

She was also convinced that separation would be the best, if not the only, remedy for the fugitive slave evil, and for the territory evil. I will advert to these two evils further on in this address.

It may be asked, sir, if the personal liberty bills, if the election of Lincoln, by a sectional majority, had nothing to do with the action of Georgia? Sir, they had much to do with it. These were

most important facts. They indicated a deliberate purpose, on the part of the North, to violate constitutional stipulations, if these are in favor of slavery. They are valuable in another respect. These personal liberty bills are unconstitutional; they are deliberate infractions of the Constitution of the United States; and being so, they give to us a right to say, if we choose, that we will no longer be bound by the Constitution. The language of Webster, in his speech at Capon Springs, in your own State, was, that a bargain broken on one side, is broken on all sides. And in this opinion all authorities on public law concur. The election of Lincoln, if not a violation of the letter of the Constitution, was a violation of its spirit.

The Constitution was formed "to establish justice." The election of Mr. Lincoln was designed to give the whole public territory to the North, although that territory belongs as much to the South as it does to the North. Consequently that election was intended to establish injustice—and therefore was a flagrant violation of the intent of the Constitution. And the intent of the Constitution is the very life of it.

These things being so, I ask, what was Georgia to do but to separate forever from the North? Was she to stay in the Union, and wait for extermination by abolition? Sir, was that to be expected of her? If not, it ought to be admitted, that her act of secession was not only right, but necessary.

The second branch of my case is, to lay before the Convention some facts and considerations going to show why Virginia ought to accept the invitation of Georgia, to join her in the formation of a Southern Confederacy.

What ought to influence a nation to enter into a treaty with another nation? It ought not to be, I am free to say, any higher consideration than interest—material, social, political, religious interest. And it shall be my endeavor now to show that it will be to the interest of Virginia, materially, socially, politically and religiously, to accept the invitation of Georgia to join the Southern Confederacy; and, first, will it be to her material interest?

Georgia and the other Cotton States produce four millions of bales of cotton annually. Every one of these bales is worth fifty dollars. The whole crop, therefore, is worth two hundred millions of dollars. This crop goes on increasing rapidly from year to year. The increase, in the last decade, was fifty per cent. If the same increase should continue for the next decade, we should have, in 1870, six millions of bales; in 1890, nine millions of bales; and so on. And, supposing that this rate will not continue, yet we have a right to assume that the increase will be very great, because consumption outruns production, and so long as that is the case, production will try to overtake it.

You perceive, then, that out of one article we have two hundred millions of dollars, and a prospect of an indefinite increase in the future. Then, we have sugar, worth from fifteen to twenty millions of dollars, increasing every year at a

pretty rapid rate. Then, we have rice, and naval stores, and lumber, and live oak, and various other articles, which make a few more millions. You may set down that these States yield a surplus of from two hundred millions of dollars to two hundred and thirty millions of dollars, with a prospect of vast increase. These articles we turn into money, and with that we buy manufactured goods, iron, cotton and woollen manufactures, ready-made clothing, and many other descriptions of goods. We also buy flour, and wheat, and bacon, and pork, and mules, and negroes; very little of this money is kept at home in manufactures; we lay it out in this way.

Now, I say, why will not Virginia furnish us these goods? Why will not she take the place now held by New-England and New-York, and furnish to the South these goods? Bear in mind, that the manufactures consumed by the South, are mainly manufactures of the United States. These manufactures now monopolize nearly our whole market by virtue of the tariff on foreign importations. Will not Virginia take this place? I ask, is it not to the interest of Virginia and the Border States to take this place? Most assuredly it is. Then, I say, it is at her own option whether she will take it or not. I dare say, she can have the same sort of protection against the North that the North has against Europe. If she can, it is merely for her to say whether she will have manufactures or not.

Then the question is, will the protection which you will get from us be sufficient to build up your manufactures? And, I say, that I think it will.

I do not come here, as I said at the outset, to make promises; but I will give my opinion, and that is, that the South will support itself by duties on imports. It has certainly begun to do so. So far we have adopted the revenue laws of the United States.

Our Constitution says that our Congress shall have power to lay duties for revenue to pay the debts and carry on the government. Therefore, a revenue tariff is the limit of the protection which we can give. But will not protection up to that limit enable you to compete with the North? We shall be obliged to have an army and a navy, and to make them up speedily. The army will, probably, be much larger than the ordinary army of the old Union—as it is not unlikely that it will have to meet a much larger army than that army. Mr. Stephens, our Vice-President, is reported in the newspapers as saying in his address of acceptance, that a duty of ten per cent would probably be sufficient. A duty of ten per cent on two hundred million dollars, the amount of our imports, would give a revenue of twenty million dollars. Would not such a duty afford Virginia the necessary protection? I think it would. Machinery for manufacturing purposes has been much improved, and Virginia would start with the latest improvements. Your winters are shorter and winter days longer than those of the North. You are nearer to one of the greatest of the raw materi-

als—cotton. Capitalists, with their capital, their skilled artisans and operatives, their experience and even their machinery, would pour into your State. But my own opinion is, that the duties will be as high as those imposed by the present tariff of the United States. One thing, however, is certain, if the matter is deemed important by this Convention, the door to negotiation with us is open. Our Constitution is only provisional and temporary. Come and take part with us in making the permanent one. I feel sure that you will be able to have inserted in it such stipulations as will be satisfactory to you. In a word, if Virginia finds that she requires a certain measure of protection for any of the articles of her manufacture, let her come in the spirit of a sister to our Congress, now sitting at Montgomery, and say so, and if she does, I venture to predict that she will be met in the most yielding spirit.

What would be the value of the manufactures to you? It would, for one thing, give you the command of the "cotton trade." The North with her manufactures buys our cotton. This she takes to Europe and with it buys European manufactures. These she brings to New-York, Boston, and Philadelphia, and thence distributes them to us, to you and to the whole continent. Thus it is apparent that the whole depends on the fact that she has manufactures—for without manufactures she could not buy our cotton, and without our cotton she could not buy European goods. She herself has nothing to export but ice, provisions, when there is a famine in Europe, some cotton manufactures, and California gold, which latter California will, before long export for herself as an independent power, and thus save ten million or twelve million dollars of duties which she now pays to the United States Government and to Northern manufacturers. Thus, then, it is clear that if Virginia and the other Border States will take the place of the North in manufactures, they will obtain the place of the North in the cotton trade. You want direct trade with Europe. You have been trying to get it for years. Here it is. True that at first the foreign imports would come directly to more Southern ports, because at first what the South would buy and consume would be foreign goods, you having no goods to sell her. But this would change in exact proportion to the increase of our consumption of your goods, as they would to that extent displace the foreign goods, and give you the money to purchase cotton with which to import directly to your own ports.

Thus, then, by manufactures you would have the cotton trade, and have your long desired direct trade with Europe. Of course you would, also, by the navigation laws, have a monopoly of the coasting trade. In short, manufactures would give you an immense commerce. Your cities would become the distributing points of the Continent, and one of them might become the Empire City of the Continent.

And what a change would all this make in your State. Your towns and cities would expand, your counties would fill up, your red hills

would recover their verdure, your railroads would pay dividends, your inexhaustible mineral stores would burst forth, real estate would rise, your heavy public debt would cease to cost you a thought.

This is what you will have if you join us. What will you have if you join the North? You will have the reverse of all this. You will have an irresistible competition in manufactures, in commerce and even in agriculture—for the rich new lands of the North-west are an overmatch for your old lands, however skilfully the latter may be managed. The very most that you can expect will be that you will hold your own. There is danger that you will slip backwards.

Joining us will be a great gain to you not only in the above respects, but also in another important respect—it will cut off that vast drain of wealth which is incessantly going on from the South to the North, under the operation of partial laws and a partial government. Those laws are the tariff laws, the navigation laws, the fishing bounty acts, and some others.

The effect of a duty on an import, is to raise the price not only of the import, but also of the corresponding domestic article to the extent of the duty. The average rate of duties imposed by the present tariff is nearly twenty per cent *ad valorem*. Consequently we pay a twenty per cent duty to Northern manufacturers for all of their goods we consume. The question then is what quantity of them do we consume. There are no statistics by which this question can be accurately answered. After giving it some study, the conclusion to which I have come is, that the South consumed during the year ending on the thirtieth of June, 1860, Northern goods to the value of from two hundred and fifty million to three hundred million dollars. Mr. Kettel's estimate in his *Southern Wealth and Northern Profits*, makes the value I believe three hundred million dollars, and he is a Northern man, and one whose opinions on such subjects have been received with much respect. Say the value was two hundred and fifty million dollars. Then the drain from the tariff, alone, was the enormous sum of fifty million dollars.

The effect of the monopoly of the coasting trade is to drive off the competition of the cheap navigation of England, Holland, and other nations of Europe, and to give the trade to the North—they having directly or indirectly nearly all of the ships engaged in that trade. The consequence is, that freights are enhanced. And to the extent of that enhancement is the price of the goods brought to the South coastwise enhanced. The value of the goods thus brought must be from one hundred and fifty million to two hundred million dollars, and the enhancement of the price of goods of that value by the monopoly must be, I suppose, several millions of dollars.

The effect of the monopoly of the indirect trade is similar to that of the monopoly of the coasting trade. The indirect trade last year amounted to thirty-six million dollars.

• It is pretty safe to assume that the South con-

sumes about one third of the foreign importations. The value of these importations consumed by her last year was, on this assumption, one hundred and six million dollars. Now, of this amount, seventy-two million dollars came to the South, not directly from Europe, but by the way of the North—first stopping at the North. Consequently, the cost of their transportation from the North to the South was so much dead loss to the South—was a mere tribute to the North. This cost could hardly have been less than four million or five million dollars.

The South is entitled to parol made in her midst, at least one third of the public expenditures; whereas, according to the best information I can obtain, not more than one fifth of them is so made. The expenditures last year amounted to over eighty million dollars. The difference, therefore, between what the South received and what it was entitled to, was some ten million or fifteen million dollars. The expenditures are annual. Here, then, is what is equivalent to a perpetual drain from the South of the difference between one third and one fifth of the public expenditures.

Then there are the fishing bounties, amounting to four hundred and fifty thousand dollars or five hundred thousand dollars a year, of which the share paid by the South is at least one third.

Add to all the vast sums spent at the North every year by Southern travellers and pleasure-seekers. Mr. Kettel estimates this sum at fifty million dollars. And what does the South get in return for this vast sum? Little enough, to be sure.

It is plain that the annual drain of wealth from the South to the North in all of these ways, is enormous. But with a separation of the South from the North, it instantly ceases, and turns back upon the South to enrich her manufactures, commerce, and agriculture, instead of going to enrich those of her enemy.

You, by joining us, will get relief from the part of this drain that flows out of your State: by joining the North, you will be subject to it forever. And I beg you to remember, that this drain will be constantly on the increase—as your consumption of Northern goods will be constantly on the increase—to say nothing of the chances of its enlargement by augmentations of the rate of duties prompted by manufacturing cupidity.

Joining us is the best attainable remedy for the fugitive slave evil. All that is left to us, as a remedy for that evil, is, it seems to me, this: to produce on this side of the line between us and the North, a state of things that will make it extremely difficult for a slave to cross that line without being intercepted; and on the other side of the line a state of things that will render the condition of any slave who may succeed in crossing it so uncomfortable that he will, of his own accord, return to his master. Statutes—constitutional provisions, even—for the return of fugitives are vain, so long as there is an overwhelming public opinion at the North in favor of protecting

the fugitive, and maltreating his master, in spite of law and Constitution. Masters will not even pursue their slaves in the face of the peril.

Now, if the slave States were separate from the North, the collection of the revenue from customs would require that a string of officers should be stationed at short distances along the whole boundary line between the North and the South, to collect the duties, and a penalty to guard against smuggling. Detachments of the army would, also, it is probable, be placed along the same line. These officers and army detachments might be charged with the duty of intercepting all slaves attempting to escape, and of keeping watch for all agents of abolition, and other suspicious persons. This done, and but a very few slaves would escape—a state of things would be produced which would make escape extremely difficult.

And if Virginia would join us, the consequence would doubtless be, that in a short time all the other Border States would do the same thing, and then this measure could be adopted.

And further—if the North and South were separate, the interest which the North feels in the fugitive slave would soon die out. After a while, it would come to pass that she would regard him merely as another unit added to the despised class of free negroes already in her midst—a class which she now wishes to be rid of on almost any terms—a class which some of her States have already ruthlessly expelled from their borders. Instead, therefore, of aiding him and making him comfortable, as she does now, she would turn the back of her hand to him, and tell him to shift for himself; and that would be a sentence to hunger, and cold, and nakedness, and houselessness, and scorn. Free negroes at the North are excluded by their competing white brethren from all respectable or lucrative employments, as well as from all social contact. Hence, their condition is most miserable. And a newly arrived fugitive slave, with his ignorance, inexperience, and want of acquaintances, would be the most wretched of any of the class. His condition would become intolerable to him, and he would sigh for the plentiful bread and “hog meat,” the jolly companions, and the master and mistress bound to care for him in sickness and in health, that he left behind him, and soon he would say, differing from the Roman—rather

“A whole eternity of bondage,”

Than

“One hour of virtuous liberty.”

The upshot would be, that he would of his own accord return to his old home.

Thus it appears that a separation from the North is the measure to produce the two states of things which constitute the best attainable remedy for the fugitive slave evil.

And such separation is the best, if not the only remedy, for the territory evil. If you stay in the Union, you will never get a single foot of the public land. The Homestead policy with Squatter Sovereignty, or else with the Wilmot Proviso, aided, if need be, by Emigrant Aid Societies and Sharp's rifles, will give all of the public lands to

the North. In the face of these dangers, no slave will ever enter any of the public territory.

Even if in a panic the North were to agree to divide with you the territory, giving you all below a named line, you would practically get nothing. Slavery would be afraid of the North, notwithstanding its promises, and it would shrink from encountering the perils of a residence in any territory. In the Union, then, the territories are wholly lost to you. But suppose you leave the Union and join us, to be followed, as you soon will be, by the other border slave States, will not your chances for your share of the public lands be greatly increased? I think so. If all the slave States act in concert and demand of the North their part of the public lands, the demand will be conceded—because the demand will be just, and will be one made by a power able to enforce it. And when you have in this way obtained your part of the lands, it will be yours indeed—for it will be wholly in your own power.

Thus, then, if you join us, you have manufactures, commerce, and agriculture; you have exemption from that vast drain of your wealth from you to the North, your deadly enemy; you have the best remedy for your fugitive slave disease; and the best for your territorial disease. And that is not all, you have all these things in peace, so that you will have nothing to do but to sit down and enjoy them. Cotton is peace. Great Britain cannot do without cotton. France and Germany hardly can, and if any one of them should be at war with us, neither it nor the others could have our cotton. Hence peace with us is a necessity. Cotton holds the nations under bonds to keep the peace. But if you join the North, you stand still, if not retrograde in manufactures, in commerce, and in agriculture; you continue subject to that ceaseless and ever-increasing drain of your wealth to the North; you aggravate the fugitive slave disease, and the territorial disease; and you expose yourselves to greatly increased chances of war, for the North and the war-like nations of Europe will be fierce rivals in every branch of business, and rivalry produces collision, and collision war. Already there are several promising causes of quarrel with Great Britain. There is the San Juan question, the Central-American question; and the Canadian question, for the North is even now making overtures to Canada for annexation; and those overtures seem to be too well received to please the mother country. I ask, then, is it not true that your material interest would be greatly promoted by a union with the seceding States?

The same is true of your social and religious interests. With us, you will have concord on the slavery question, and fellowship in the pulpit and at the communion-table; and you will have manners, morals, habits and defects like your own. With the North you will have increased discord on the slavery question; you will be repelled from pulpit and communion-table as being, by countenancing slavery, as foul as Brigham Young or any other polygamist, and you will be placed in closer contact than you are now with

morals, manners, habits, and vices that are not your own. If you join us, then, you consult your social and religious good.

Equally will you consult your political good. If you join us, the other Border States will soon follow your example; and then our confederacy will have an area of eight hundred and fifty thousand square miles of the best territory under the sun—the best in climate, the best in soil, the best in productions, including men—the best for facilities of intercommunication, the best rounded off and most compact, the best in unity of race and interest—a territory of imperial dimensions, it being larger than Great Britain, France, Spain, Italy, and Austria combined—countries which have a population of one hundred and thirty or forty millions. This territory will have many advantages over that of the North. The latter will soon fly into fragments. First will fly off California, with the Pacific regions. It is already her interest to go. With her gold exports of fifty million dollars, she must receive fifty million dollars of imports, from which, by a duty of twenty per cent, she could, if independent, raise a revenue of ten million dollars, which would be for her own treasury, instead of being, as now, for a treasury six or seven thousand miles distant; and which would soon build up her manufactures, commerce, and agriculture, and put her in a condition to enter the contest for the great trade of Asia and the Pacific. And there is evidence that she is now contemplating with much complacency a measure calculated to produce these results. The central regions between the Pacific region and the North-western States, are, for the most part, a vast desert, repellant to man. The remainder of the area of the North may amount to six or seven hundred thousand square miles, consisting of States lying in a long straggling line, beginning on the Atlantic—a line almost severed by the wedge which Virginia has driven between Pennsylvania and Ohio, and which, by a little more driving, will make the severance complete—States having an eastern section which is commercial and manufacturing, and a western one which is agricultural, and therefore States between whose sections there will be perpetual and ever-increasing discord on the great questions of taxation, expenditure and incumbency of office, to end in disruption. Thus, then, the comparison is greatly in favor of our territory. Indeed, there is at the North not only this danger of disruption of sections and States, but there is also danger that society itself will be convulsed. A feeling that those who do not own property have the right by the ballot-box to make a living out of those who do, has sunk deep into society at the North. Hence politics has become one of the trades, in which the commodities dealt in are offices, contracts, jobs, the public money, and the public securities. The amount of taxes to be raised in New-York City alone this year is to be from eleven million to twelve million dollars. There is a limit beyond which property will not submit to systematic plunder. That limit will before long be at-

tained at the North; and when it shall have been attained, property there will combine and seek safety in revolution and new political arrangements.

Whilst the territory of the North is thus breaking into fragments, and its people fighting among themselves, the territory of the South will have nothing to do but to look on and grow at its leisure, like a great oak fed on nature's fertilities. If it shall desire additional territory, additional territory will spontaneously come to it; for anarchy will soon reign in all the territory round about, and every people is glad to escape from anarchy to law and order.

Again, if you join us, you will be at the head of a great confederacy. You will direct its policy. Honors will wait on your great men. If you join the North, Virginia will become—I will not say the tail of a Northern confederacy, because Virginia could not become the tail of anything—but I will say, a State degraded far below her present position. She has now Mr. Lincoln for President. The next time she will have some Mr. Sumner, and the chances are that before the process ends, she will see thrust upon her, her own fugitive slave, Fred. Douglas, to make her humiliation complete. May I not say, in the name of Virginia, rather than that, "war, pestilence and famine"?

Thus, then, it appears, that your political as well as your material, social and religious interests, will be greatly promoted by your joining us, rather than the North. We offer you riches, and peace, and brotherhood, and glory, and length of days—the North has nothing to offer you but poverty, and war, and hatred, and ignominy, and speedy dissolution. Why, then, will you not come with us? What objections can you have? That the African slave-trade will be opened? There is no danger of that. Already, Georgia has unanimously declared against that trade. Two or three of the other seceding States have done the same thing. The Congress at Montgomery have forbidden it by a constitutional provision. Above all, our highest interest is opposed to the re-opening of that trade, for were it once re-opened, were the barriers once broken down, such a mighty current would rush in from Africa, that our white race would be overwhelmed in the vast black pool. There is no danger of the re-opening of the African slave-trade. But if you think otherwise, go down to Montgomery, and ask for a stipulation against it, and my word for it, your request will be granted.

Another objection, I have sometimes heard mentioned, is, that there is a threat to Virginia, in a clause of the new constitution, made at Montgomery, viz., the clause by which power is granted to prohibit the inter-State slave-trade. I deny that there is any such threat in that clause. Its object was not to threaten you, but to save ourselves. If you should join the North, the mere instinct of self-preservation dictates that we ought to do all in our power to keep you a slave State as long as possible. And the best way to do that would be to prevent your citizens from selling their slaves to ours. And, I have no

doubt, that they would be prevented from doing so. But there is no more reason for construing a power to authorize such prevention into a threat, than there is for construing the power to tax imports into a threat. If you join the North, is it not to be expected that your products, coming into our ports, will, like the products of the North, be subjected to taxation? Join us, and these clauses will all become harmless to you, for certainly in that case we would not have the will to use them against you, and if we would, we should not have the power, for you, with the other Border States that will go with you, will be eight millions of people, whilst we shall be but five millions.

Another objection I have heard spoken of is, that the Cotton States were disrespectful to the Border States, in not inviting the latter to a conference or convention before they seceded. But there was no concert at all in secession among the Cotton States themselves. Each acted for itself, and by itself. Consequently, they as much slighted each other as they did the Border States. But the reason why the Cotton States acted thus, was, that they could not afford the delay necessary for assembling a general convention. They felt that it was necessary for them to be prepared against Mr. Lincoln and the Republican party by the time of their accession to power—that is, by the fourth of next March. This they could not be, if they waited for a general convention of the slave States. The great day is almost here, and yet but one of the Border States—this State—has assembled a convention; nor is there a prospect for any convention in any other Border State, except North-Carolina, and her Convention, if ordered, is not to meet until the eleventh of March. Thus, then, it appears that if the Cotton States had called a general convention of the slave States, the call would have been disregarded by five sevenths of the Border States, or at least would not have been responded to until it was too late—until an insuperable advantage over us would have been obtained by the hostile President and party in power.

What objection, then, can you have to joining us, and going with your interest, in preference to joining the North and going against your interest? You can have none, as far as I can see. Why, then, will you not join us?

Gentlemen, I beg to assure you, that if I have been urgent upon you to join us rather than join the North, the reason has been a conviction that such a union would be mutually advantageous, not an apprehension that we are unable, without assistance, to maintain ourselves against all comers. No. We are five millions, with arms in our hands, and all of one mind; we have a perfect organization; we possess, we think, the means of advantageous arrangements with foreign powers. Above all, we have a cause—the cause of honor, and liberty, and property, and self-preservation. Sir, in such a cause, cowards will become men, men heroes, and heroes gods.

Permit me to assure you of another thing, and that is, that if you reject us, we shall take it more in sorrow than in anger. It is yours to de-

cide, and ours to accept your decision. A Greater than we once came to his own, and his own received him not; but then the Gentiles received him, and he became a great light, which now illumines the world.

I beg leave now, sir, to present to you, for the Convention, the ordinance of secession of Georgia, (handing the ordinance to the President,) and most respectfully but earnestly to invite Virginia, through the Convention, to join Georgia and the other seceding States in the formation of a new confederacy.

In conclusion, sir, permit me to say, that the patient respect with which the Convention has received this long address, has made a deep impression on my heart.

ADDRESS OF JOHN S. PRESTON, OF SOUTH-CAROLINA.

MR. PRESIDENT AND GENTLEMEN OF VIRGINIA: I have the honor to present to you my credentials as Commissioner from the government of South-Carolina to the Convention of the people of Virginia. On these credentials being duly received by you, I am instructed by my government to lay before you the causes which induced the State of South-Carolina to withdraw from the United States, and resume the powers heretofore delegated by her to the Government of the United States of America.

In performing this duty, I desire to announce to you that it is no part of my purpose, nor is it the wish of my government, that I should make an argument before you in proof of the right of secession. My government has assumed that right in her sovereign capacity, and my ministry here is to recite the causes which that government has deemed sufficient to enforce upon her the necessity of exercising that right.

It will be sufficient for me to recall to your consideration a few historical facts, bearing upon the relations of the States composing the late American Confederation. You will remember that the American Colonies of Great Britain, save by contiguity of territory, had no nearer community of government than they had with the colonies of the East-Indies. They were united in the crown of Great Britain, and when that union was dissolved, each colony was remitted to its own ministry, as completely as if they were in different regions of the empire. Being adjacent, and having identical grievances, they met and consulted, at different times and places, in various forms of convention, but generally in Congress, as of acknowledged, independent powers. They began the war with the mother country—each colony for itself—and the battles of Lexington and Bunker Hill, in Massachusetts, and of Fort Moultrie, in South-Carolina, and the burning of Norfolk, in Virginia, preceded the declaration of the Fourth of July, 1776. The colonies then in Congress, on that day, declared themselves free and independent States, and proceeded to act as such in forming alliances with each other for their common defence against the power from which they had absolved themselves. They also instantly and severally began to form independent civil organizations. When these were

completed as efficiently as circumstances would allow, and manifested by their separate contributions to the common cause, as sovereign and independent powers, they formed a compact, in which this sovereignty and independence were expressly declared. As you may remember, gentlemen—for I am now reciting what is present to your memory, with a view to bring it to your consideration, trusting, as I may recite it, you will discover what has been certainly running through the minds of my people for years past—finding that, individually, they could not carry on this contest for independence and sovereignty, they united in certain articles which are known as the Articles of Confederation. In these articles there is the reiteration of the original declaration of the sovereignty and independence of the parties to it. All rights, all powers, all jurisdiction, therein delegated, produce no limitation upon the ultimate and discretionary sovereignty of the parties to it. In the subsequent treaty with Great Britain, that government recognised the agency of the Confederation, but acknowledged the States—severally, by name—as sovereign and independent States. Four years later, the sovereign parties became dissatisfied with this league, on account of alleged inefficiency in regard to interests which were common and identical. The States virtually resumed their original status of segregation, and the remedies proposed for the inefficiency of the Articles of Confederation resulted in the new compact, under the name of the Constitution of the United States and the Amendments thereto, proposed by the States individually. In this instrument there is not one word or phrase capable of being construed into a lapse or prescription of the sovereignty and independence of the contracting powers. On the contrary, there is an express, pervading, and emphatic reservation of all powers not expressly granted. The whole spirit and genius of that Constitution recognises the sovereignty of the States, and its own mere agency in the exercise of deputed and limited functions. The States—separately, individually, independently—with various reservations, and at different periods of time, consented to this contract. Nothing legitimate has since occurred to change their relations to each other under this contract. On the contrary, the contemporaneous and juxta-contemporaneous construction, especially that of Virginia, by Mr. Madison, characterised by your distinguished President the chief framer of the Constitution, declares that “the Constitution of the United States was formed by the sanction of the States, given by each in its sovereign capacity. . . . The States, then, being the parties to the constitutional compact, and in their sovereign capacity, it follows, of necessity, that there can be no tribunal above their authority, to decide in the last resort, whether the compact made by them be violated; and, consequently, as parties to it, they must themselves decide, in the last resort, such questions as may be of sufficient magnitude to require their interposition.” By questions of “sufficient magnitude,” the interpreter means those ques-

tions which involve the prerogative of that sovereignty itself, and those which are of sufficient magnitude to require its interposition, and such as are of themselves dangerous to the great purposes for which the Constitution was established; and among these great purposes we know there is expressed those of justice, right, equality, general welfare, and the blessings of liberty to us and our posterity.

On this relation of the States to each other, and to the Confederation formed by them, the people of South-Carolina, then, assume that their sovereignty has never been divided, that it has never been alienated, and that it is imprescriptible; that it has not been impaired by the fact that they have voluntarily refrained from the exercise of certain specified functions; and that it may be exercised at their will through their own established forms. They, therefore, contend, that in the exercise of their unrestricted sovereignty, and on the great principle of the right of a sovereign State to govern itself, even when it involves the destruction of a compact which has been vitiated so as to become an imminent danger—they have the right to abrogate that compact, so far as concerns themselves, because it is dangerous to their happiness, liberty, and safety.

Having ventured to present these facts and principles to your consideration, I will proceed to state the more prominent and immediate causes which have induced South-Carolina to abrogate her consent to the Constitution of the United States.

As preliminary to this statement, I would say that as early as the year 1820, the manifest tendency of the legislation of the General Government was to restrict the territorial expansion of the slaveholding States. That is very evident in all the contests of that period; and had they been successful to the extent that some hoped, even then the line that cut off the purchase from France, might have been projected eastward to the bottom of the Chesapeake, and sent Virginia and half of Tennessee and all of Kentucky, (Virginia proper,) after she had given to non-slavery her North-western empire, to the non-slavery section. That might be the line. The policy, however, has been pushed so far as to deprive this Southern section of that line of at least seven tenths of the acquisitions of the Government. Besides this, I would state, as preliminary, that a large portion of the revenue of the Government of the United States has always been drawn from duties on imports. Now, the products that have been necessary to purchase these imports were at one time, almost exclusively, and have always mainly been, the result of slave labor; and, therefore, the burden of the revenue duties upon imports purchased by these exports, must fall upon the producer, who happens, in this case, also to be the consumer of the imports.

In addition to this, it may be stated, that at a very early period of the existence of this Government, the Northern people, from a variety of causes, entered upon the industries of manufacture and of commerce, but of agriculture scarcely to the extent of self-support. This may have

arisen from a variety of causes: among them, perhaps, an uncongenial climate, a barren soil, but a sea-coast adapted to commerce, besides an inherent tendency upon the part of the people of these latitudes to the arts of manucraft and traffic; and while, therefore, it was important that all the sources of the revenue should be kept up to meet the increasing expenses of the Government, it also manifestly became of great importance that these articles of manufacture in which they have been engaged, should be subject to the purchase of their confederates. They, therefore, invented a system of duties, partial and discriminating, by which the whole burden of the revenue fell upon those who produced the articles of export which purchased the articles of import, and which articles of import were consumed mainly, or to a great extent, by those who produced the exports.

The State of South-Carolina, being at the time one of the largest exporters and consumers of imports, was so oppressed by the operations of this system upon her, that she was driven to the necessity of interposing her sovereign reservation to arrest it, so far as she was concerned. This interposition, together with the rapid spread of the principle of free trade all over the world, did arrest the iniquity in the shape in which it was then presented. It could no longer be the avowed policy of the Government to tax one section for the purpose of building up another. But so successful had been the system—to such an extent had it already, in a few years, been pushed; so vast had been its accumulations of capital; so vastly had it been diffused throughout its ramifications—as seemingly to interweave the industries of the sections almost into the life of each other. As mechanics, manufacturers, shippers, merchants, bankers, and in all the intermediary pursuits, the Northern people seem to have become almost necessary to the maintenance of the industry of the South. In these relations they had crept into every crevice of an affluent and loose economy, and made themselves so convenient to it, that we began to think them vital to it; and they grew so great and waxed so strong, as they fed and fattened on this sweating giant of the South, that, with the insolence natural to sudden and bloated power, they began to claim that the laboring monster was created for their tributary.

They have drawn from us subsidies which might have glutted the avarice of a Roman proconsul—which in one quarter of a century have builded up countless cities, rivalling in wealth the richest marts of the old world, and burdening every sea with their commerce, and which have covered their granite soil with palaces and smiling gardens; and yet, strange, anomalous as it may appear, it is nevertheless literally true, that while they were thus gathering all their wealth and power from this source, step by step, *latus cum latere*, with this aggregation there was growing up a determined purpose to destroy these sources of their power and grandeur. I pretend not to explain it. I relate it as history. This, gentlemen, brings me to the proximate causes which it is my mission to lay before you.

For nearly thirty years the people of the non-slaveholding States have assailed the institution of African slavery, in every form in which our political connection with them permitted them to approach it. During all that period large masses of their people, with a persistent fury, maddened by the intoxication of the wildest fanaticism, have associated with the avowed purpose of effecting the abolition of slavery by the most fearful means which can be suggested to a subject race: arson and murder are the charities of their programme.

1. The representatives of these people in the Federal Legislature, acting on the same ultimate idea, have endeavored to shape the legislation of the Government so as to deprive the slave States of political equality, by excluding them from all interest in the territorial accretions of the Government. They have succeeded to the full extent, and have decreed that there shall be no more slave States admitted to the Union.

2. A majority of the non-slaveholding States have not only refused to carry out the provisions of the Constitution and laws to protect slave property, but have made stringent laws to prevent the execution of those provisions.

3. Eight of those States have made it a criminal offence to execute the plainest provisions of the Constitution, which give protection to a property furnishing two hundred and fifty million dollars annually to the commerce of the country, and on which rests the entire order of civilization of twelve millions of people. In not one of the seventeen non-slaveholding States can a citizen of a slave State claim protection for his main property, and the person of the citizen in numerous cases has been violated, and in many of these cases the violence has resulted in murder.

4. The citizens of not less than five non-slaveholding States have invaded a slaveholding State, and proclaimed the annihilation of its people by servile insurrection; two of these States have refused to surrender the felons engaged in this invasion; and one of these States—that State which claims the most advanced civilisation and refinement, which claims to represent before the world American sentiment and American principles—by the most solemn decree, through its highest constituted authority, has approved of that invasion; and large bodies of people, throughout the whole of the non-slaveholding States, have made votive offerings to the memory of John Brown and his associates.

5. The most populous, and by far the most potent, of the Confederates, has proclaimed, for years, through its representatives in the Federal Senate, that it is a conflict of life and death between slavery and anti-slavery. This is the solemn decree, through its constituted forms, of a State containing near three millions of people, who conduct four fifths of the commerce of the republic. Additional millions of people, making majorities in all the States, and many of the States by legislative action, have declared, that the institution of slavery as it exists in the Southern States is an offence to God, and, therefore, they are bound by the most sacred duty of man

to exterminate that institution; they have declared and acted upon the declaration, that the existence of slavery in the Southern States is an offence and a danger to the social institutions of the Northern States, and, therefore, they are bound by the instinct of moral right and of self-preservation to exterminate slavery.

Finally: Impelled by these sacred duties to God and their consciences, and by the scarcely less binding impulses of self-protection, after years of earnest labor and devotion to the purpose, they have succeeded, by large majorities in all the non-slaveholding States, in placing the entire executive power of the Federal Government in the hands of those who are pledged, by their obligations to God, by their obligations to the social institutions of man, by their obligation of self-preservation, to place the institution of slavery in a course of certain and final extinction.

That is, twenty millions of people, holding one of the strongest governments on earth, are impelled, by a perfect recognition of the most sacred and powerful obligations which fall upon man, to exterminate the vital interests of eight millions of people, bound to them by contiguity of territory, and the closest political relation. In other words, the decree inaugurated on the 6th of November, was the annihilation of the people of the Southern States. Now, gentlemen, the people of South-Carolina, being a portion of those who come within the ban of this decree, had only to ask themselves: Is existence worth a struggle? Their answer is given in the ordinance I have had the honor to submit to you.

I see before me wise and learned men, who have observed and sounded the ways of human life in all its records, and many who have been chief actors in some of its gravest scenes. I ask, then, if in all their lore of human society they find a case parallel to this? South-Carolina has three hundred thousand whites and four hundred thousand slaves; the whites depend on their slaves for their order of civilization and their existence. Twenty millions of people, with a powerfully organized government, and impelled by the most sacred duties, decree that slavery must be exterminated. I ask you, Virginians, is right, is justice, is existence worth a struggle?

I have thus recited in general terms the causes which dictated the action of the people of South-Carolina. Were they given in detail, they would embrace half the history of the Republic for half the period of its existence. From the accession of the younger Adams to this hour, the main internal history of the United States has been one untiring, unflinching effort, on the part of the non-slaveholding States, to gain the control of the Federal Government—first to restrict, then to subsidize, and now to destroy the vital interests of the slave States. Checked or baffled in one course, with the relentless energy and pertinacity of their nature, they have adopted another; retarded for a time, by the lingering but sturdy fragments of a dying patriotism among themselves, or the banded resistance of their victims, they have still held on with the fierce grip of avarice,

and the mad rage of fanaticism, until God has cursed them with a triumph which has plunged this continent into civil war, and destroyed, perhaps forever, the fairest forms which human philosophy ever grafted upon the institutions of man.

Now, gentlemen, for one moment look at the converse of this picture.

For over thirty years, by every method of which we could avail ourselves—by argument, by sovereign protest, by warning, by prayer, by every energy and every attribute we could bring to bear—we have endeavored to avert this catastrophe. In the Federal Legislature, through this long series of years, my State has given all her intelligence, all her virtue, and all her patriotism, to preserve the Constitutional Union; and that she had intelligence, that she had patriotism, that she had virtue, is in proof here by that marble, (*the bust of Calhoun*.) sitting in the hall where the sovereignty of Virginia is consulting concerning the honor and the rights of Virginia. In this struggle, Calhoun, McDuffie, Elmore and Butler perished almost literally in the halls of the Federal Legislature. Failing in this, more than a year ago, seeing the storm impending, seeing the waves rising, South-Carolina sent to this great, this strong, this wise, this illustrious Republic of Virginia, a grave commission, the purport of which, with your permission, gentlemen, I will venture to relate.

"Whereas the State of South-Carolina, by her ordinance of A.D. 1852, affirmed her right to secede from the Confederacy whenever the occasion should arise, justifying her, in her own judgment, in taking that step; and, in the resolution adopted by her Convention, declared that she forbore the immediate exercise of that right from considerations of expediency only:

"And whereas more than seven years have elapsed since that Convention adjourned, and in the intervening time the assaults upon the institution of slavery, and upon the rights and equality of the Southern States, have unceasingly continued, with increasing violence, and in new and more alarming forms; be it therefore,

"1. *Resolved unanimously*, That the State of South-Carolina, still deferring to her Southern sisters, nevertheless respectfully announces to them, that it is the deliberate judgment of this General Assembly, that the slaveholding States should immediately meet together to concert measures for united action.

"2. *Resolved unanimously*, That the foregoing preamble and resolution be communicated by the Governor to all the slaveholding States, with the earnest request of this State, that they will appoint deputies, and adopt such measures as in their judgment will promote the said meeting.

"3. *Resolved unanimously*, That a Special Commissioner be appointed by his Excellency the Governor, to communicate the foregoing preamble and resolutions to the State of Virginia, and to express to the authorities of that State the cordial sympathy of the people of South-Carolina with the people of Virginia, and their earnest desire to unite with them in measures of common defence."

Unsuccessful in that effort, the people of South-Carolina, for the first time in over twenty years, joined with the party organizations of the day, and honestly, earnestly, and with anxious solicitude gave her unanimous vote to that party, the success of which they believed would prolong the Union. Defeated in this last hope—having exhausted argument, protest, prayer, council, hope itself—the people of South-Carolina calmly, unostentatiously, without clamor, but with a determination as fixed as destiny, ordained this Act, in these few simple words, which I will read to the Convention:

"We, the people of the State of South-Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, That the ordinance adopted by us in Convention, on the twenty-third day of May, in the year of our Lord one thousand seven hundred and eighty-eight, whereby the Constitution of the United States of America was ratified, and also all acts, and parts of acts, of the General Assembly of this State, ratifying Amendments of the said Constitution, are hereby repealed; and that the union now subsisting between South-Carolina and other States, under the name of 'The United States of America,' is hereby dissolved."

Even after this the people of South-Carolina are not satisfied. They still seek council, they still seek sympathy, they still seek aid, in the protection of their rights and their honor; and for this I am here to-day.

Now, gentlemen, notwithstanding these facts I have endeavored to group before you—notwithstanding this labor, this long-suffering, this patience, I have endeavored to show you she has practised—throughout this whole land, over all Christendom, my State has been accused of "rash precipitancy." Is it rash precipitancy to step out of the pathway when you hear the thunder-crash of the falling avalanche? Is it rash precipitancy to seek for shelter when you hear the hissing of the coming tempest, and see the storm-cloud close down upon you? Is it rash precipitancy to raise your hands to protect your heart?

I venture to assert that never, since liberty came into the institutions of man, have a people borne with more patience, or forbore with more fortitude, than have the people of these Southern States in their relations with their confederates. As long as it was merely silly fanaticism or prurient philanthropy which proposed our destruction, we did nothing—scarcely complained. Even when partial and most oppressive taxation, continued for years, ground us into the dust of poverty, save for a moment of convulsive struggle, we bore it patiently; even when many of our confederates, by State and municipal regulations, violated provisions of our compact vital to us, and hordes of their people, under the sanction of these regulations, robbed our property, and murdered our citizens; even when, under the same sanction, bands of wild fanatics invaded slave States, and proclaimed the destruction of slavery by the annihilation of the slaveholder, and States and

cities erected shrines to the memory of the felons; when one confederate demanded that we must be driven from the civilization of the age in which we live, and another sent its chief representative to defame us before the civilized world—beneath all these enormities, we continued to give our blood, our gold and our sweat, to build up the grandeur and maintain the power of that Republic. And when there was added to this all that baffled avarice, malignant fanaticism, and moral turpitude could devise to vilify, wrong and irritate us, we still gave our blood and treasure, and offered our hands, and called them brethren. I draw no fancy picture; I use no declamatory assertions.

There is not a man in this Convention, who may not cite twenty cases to meet every item of this catalogue. But when, at last, this fanaticism and eager haste for rapine, mingling their foul purposes, engendered those fermenting millions, who have seized the Constitution, and distorted its most sacred form into an instrument of our ruin, why, then longer submission seemed to us not only base cowardice, but absolute fatuity. In South-Carolina we felt that to remain one hour under such domination, we would merit the destruction earned by our own folly and baseness. We felt, that if there was one son of a Carolina sire who would counsel such submission, there was not a hill-side or a plain, from Eutaw to the Cowpens, from which the spirit of his offended sire would not start forth to shame him from the land he desecrated. We did not find air enough in that little State, to give breath to such counsel; there was not firm earth enough there for one such counsellor to stand upon.

I pray you, gentlemen of Virginia, to pardon me for referring with some particularity to the position of my State in connection with these matters, because she has been much spoken of, and not much praised. I am here as the Commissioner of these people, certainly not their eu-logist. I am sent here, as I thought, mainly because among them I have always, with some pride, proclaimed that I sprang from this soil, and because they believe that I would tell an honest, earnest story of their wrongs and their trials; and if you will permit me, I will still further allude to it. Never, gentlemen, since liberty begun her struggles in the world, has a mighty drama, to be enacted on the trembling stage of man's affairs, been opened with a spectacle of purer moral sublimity than that which has been manifested in this revolution in which we are now engaged. Scarcely had this decree of our subjection been borne to our ears on the northern breeze, than, as if from the very caverns of the earth, there rose up one voice, one voice only, from the people of South-Carolina, who shouted back, resistance to the death. The Legislature, then in session, caught that spirit, and with one voice, one voice only, proclaimed, resistance to the death. The people of the State, again in their sovereign capacity, as you are here, with one voice, one voice only, ordained, resistance to the death. And now, there is not, in the borders of

that little State, one man, from sixteen to sixty, who can walk or stand, who is not armed, standing ready to resist to the death. [Applause.] We are very small—very weak—but if that fire-storm with which we are threatened should fall upon us and consume us, hereafter the pilgrim of liberty, perhaps from this State, who may be searching beneath the ruins of Charleston, will find the skeleton of our sentinel standing at our sea-gate.

Believe it not, sir, that in taking this position we have been forgetful of the past, or reckless of the future. No, sir, it is the great past and our sacred obligation to the future which have nerved us to the act. It was the splendor of the past which dazzled our eyes, until the substance of liberty had almost slipped from our grasp. For years and years we paused, as we held up the curtain, and gazed back on the unforgotten glories of the hallowed past—as we beheld that fairest temple in which liberty had ever found a shrine—that which Washington and Jefferson, Adams and Franklin, Henry and Madison, the Lees, Masons, Rutledges, and Pinckneys—a conclave of demigods—had builded up as a tabernacle for us to dwell in forever, and consecrated it with the blood of our own fathers, that citadel of liberty; that palladium of human right; that precious muniment of human hope; that refuge of hope all over the earth; that world, won from the wilderness to God and liberty—sir, with pious reverence we looked upon all this; and yet, with these hands, we tore it down; with these feet, we trampled it out of life; with this breath, we scattered the fragments on the winds; and yet we do not tremble, we are not appalled; our hands are unstained—pure, clear, untrifled, as we raise them in confident appeal to the God of Truth, Justice, and Right. Armed in this panoply, we drop the curtain, and are ready to move onward through the coming scenes of this solemn drama.

Gentlemen of Virginia, the people of these Southern States are no noisy faction, clamoring for place and power; no hungry rabble, answering in blood to every appeal to brutal passion; no shouting mob, ready to take for their government a glittering epigram, or a fustian theory; they are not canting fanatics, festering in the licentiousness of abolition and amalgamation; their liberty is not a painted strumpet, straggling through the streets; nor does their truth need to baptize itself in pools of blood. They are a grave, calm, prosperous, religious people; the holders of the most majestic civilization; the inheritors, by right, of the fairest estate of liberty; fighting for that liberty; fighting for their fathers' graves; standing athwart their hearthstones, and before their chamber-doors. In this fight, for a time, my little State stood alone—that little State, around whose outermost borders the guns fired at the capital might almost be heard; whose scope of sky is scarce large enough for one star to glitter in; so small, so weak, so few—we began this fight alone, against millions; and had millions been piled on millions, under God, in

such a fight, we would have triumphed. But, sir, that God cares for liberty, truth, and right among His people, and we are no longer alone. Our own children from Florida and Alabama answered to the maternal call; and our great sister Georgia marshalled forth her giant progeny; the voice of Quitman came up out of his grave on the Mississippi, and Louisiana proved herself the offspring of the "Apostle of Liberty;" and now Young Texas raises her giant form, and takes her place at the head of this majestic column of confederated sovereignties. And, sir, wherever Virginia has a son beyond her borders, his voice is known, because he speaks in the ancient tongue of his mother. Mr. President, I, one of the humblest of these sons, have told my adopted brethren—I have promised them—that before the spring grass grows long enough to weave a chaplet of triumph, they will hear the stately tramp as of a mighty host of men—a sound as if the armies of destiny were afoot—and they will see floating above that host a banner, whose whole history is one blaze of glory, and not one blot of shame: and coming up from that host, they will hear one voice, ay, like their own, one voice only; the resounding echo of that voice which first thundered into the hearts of your god-like sires, "Give me liberty, or give me death!" and on that banner will be written the unsullied name of Virginia. The world knows her history, and knows no history above it in the niche of fame; and knowing it, none dare doubt where Virginia will be found when her own offspring, divine liberty and justice, call her to the fight. Have I promised too much in the name of our mother? In us the doubt would be worse than blasphemy. She will take her place in the front ranks. She will be, as she has been for one hundred years, the foremost of the world in the cause of liberty. She will stand here with her uplifted arm, not only as a barrier, but the guiding star to an empire, stretching from her feet to the tropics, from the Atlantic to the Pacific—grander in proportions, stronger in power, freer in right, than any which has preceded it; which will divide the rule of the Atlantic; be felt in the far-heaving waves of the Pacific; and will own the Gulf of Mexico and the Caribbean Sea.

Mr. President, I appear before you in behalf of a portion of those who believe in this coming greatness, and who have by cruel wrong and injustice been driven from their inheritance in the mighty past; and I ask Virginia to come in the majesty of her august history, and the power of her courage and strength, and command this transcendent future.

Mr. President, I have endeavored to confine my words specifically to the matter of my own mission here. I fear, sir, that the scene and the place have deluded me to go, somewhat erratically, beyond my intention; but I have not ventured to discuss, before this Convention, those essential principles on which our order of liberty was institutionized in America, after centuries of struggle, from Runymede to Yorktown, nor their des-

tructive violation, involved in the daring aggressions upon the confederate and absolute rights of the Southern people, by the people and States of the North. I cannot teach this Convention. There are many men here who may truly use the words of the Greeks: "We thank God we are as wise and virtuous as our fathers." Such men cannot be taught, either the principles or the duties of liberty and truth. That knowledge, gentlemen of Virginia, is your birth-right.

I will, however, ask a few minutes more of your time, while I attempt, very rapidly, and in the most general terms, to exhibit some of the fundamental causes which the people of the South regard as justifying their belief that there never ought to be, and that there never can be, reconstruction of the late Federal Union. Leaving out of consideration the fact that the acquiescence, which originally founded the Union, was enforced by necessity rather than free consent, the truth seems evident, to every mind which dares to speculate advisedly on the manifest principles of that revolution we are now enacting, that they do involve fundamental and irreconcilable diversities, between the systems on which slaveholding and non-slaveholding communities may endure. We believe that these repellent diversities pertain to every attribute which belongs to the two systems, and consequently that this revolution—this separation—this disintegration—is no accident; that it is no merely casual result of a temporary cause; that it is no evanescent bubble of popular error or irritation; that it is no dream of philosophy; nor is it the achievement of individual ambition. It has a cause more profound and pervading than all these. It is not only a revolution of actual material necessity, but it is a revolution resulting from the deepest convictions, the ideas, the sentiments, the moral and intellectual necessities, of earnest and intelligent men. It is not only the primeval and never-dying struggle of the liberty of labor against the despotism of power, but it is that still sterner conflict which shivered Greece and disintegrated the huge and solid mass of Rome; which gathers into its contending armies all the necessities, the customs, the laws, the religions, the sentiments, and the passions, which constitute the civilization of man. You may, as you are at this moment doing, centralize a coercive power at Washington, stronger than the Prætorian bands, when the Roman eagles shadowed the earth "from Lusitania to the Caucasus," but you cannot come nearer coalescing the people of Virginia and the people of Vermont, the people of the St. Lawrence and the people of the Gulf, than did Rome to make one of the Gaul and the Dacian, the Briton and the Ionian. No community of origin, no community of language, law or religion, can amalgamate a people whose severance is proclaimed by the rigid requisitions of material necessity. Nature forbids African slavery at the North. Southern civilization cannot exist without African slavery. None but an equal race can labor at the South. Destroy involuntary labor, and Anglo-Saxon civilization must be remitted to the latitudes whence it sprang.

Now, for these and other reasons, we believe the political and social organisms have assumed forms so distinct and antagonistic, that a reconciliation of them is simply an impossibility. To cite one or two instances—for I am only making suggestions for your consideration in connection with the matter in hand: In the free States, the simple, isolated, exclusive, sole political principle is a *pure democracy* of mere numbers, save a scarcely discernible modification, by a vague and undefined form of representation. In these States there can be no departure from this principle in its extremest intensity. The admission of the slightest adverse element is forbidden by the whole genius of the people and their institutions. It is as delicate in its sensitiveness as personal right in England, or slavery in Carolina; it is the vitalizing principle, the breath of the life of Northern socialism. The almighty power of numbers is the basis of all social agreement in the Northern States. A fearful illustration of this is at this moment exhibiting its results in the Government under which you are consenting to live. That Government was "instituted and appointed" to protect and secure equally the interest of the parts. By the agency of mere numbers, one section has been restricted and another expanded in territory; one section has been unduly and oppressively taxed, and one section has been brought to imminent peril; and in this hour the people of the North are consulting whether they can subjugate the people of the South by the *right of number*.

The "Government by the people" is equally the rule of the South, but the modification of the "rule of numbers" is so essential in the slave States, that it cannot coëxist with the same principle in its unrestricted form. In the South, it is controlled, perhaps made absolutely subject, by the fact that the recognition of a specific property is essential to the vitalization of the social and political organisms. If, then, you attempt to institute the rule of either form into the organism of the other, you instantly destroy the section you invade. To proclaim to the North that *numbers* shall not be absolute, would be as offensive as to proclaim the extinction of slavery in the South. The element of property would neutralize the entire political system at the North; its exclusion would subvert the whole organism of the South.

But there is another element of disintegration and repulsion, still more potent than the geographical or the political severance. It comes of the deep-seated, but active, religious sentiment, which belongs to both people, having arrayed itself on the sides of the sections. This diversity, at this moment, is appearing, not in forms of denominational polemics, but in shapes as bloody and terrible as religion has ever assumed since Christ came to the earth. Its representative, the Church, has bared her arm for the conflict—her sword is already flashing in the glare of the torch of fanaticism—and the history of the world tells us, that when that sword cleaves asunder, no human surgery can heal the wound. There is not one Christian slaveholder here, no matter how

near he may be to his meek and lowly Master, who does not feel in his heart, that from the point of that sword is now dripping the last drop of sympathy which bound him to his brethren of the North. With demoniac rage, they have set the Lamb of God between their seed and our seed.

I have run rapidly over these diversities to show that they pervade the entire composition of the social systems of the two sections, and that, therefore, we believe the political union unnatural and monstrous; and its offspring must be abortive and fruitless, save of that fearful brood of woes which must always come from such conjunctions.

We believe, as a completely logical and reasonable deduction from these repellent attributes of the Northern and Southern sections of the late Confederacy, there have arisen those constructions of the terms of confederation, which have converted a government of consent into a government of force; which have driven seven States to abandon that Government; which have for sixty days, kept loaded bomb-shells bearing on the women and children of Charleston; which have turned the Federal guns on the capital of Virginia; and which, if Virginia murmurs against these guns being so turned, threatens to send the ruffians of Boston and New-York to reenact the scenes of 1818 at Portsmouth and Hampton.

Where these natural and conventional repulsions exist, the conflict is for life and death. And that conflict is now upon you. Gentlemen of Virginia, you own an empire. You are very strong. You have advanced in all the arts of life, and are very wise and very skilful. You have achieved much glory, and have great virtue. You may thus drag down your mountain-tops and fill up your valleys. You may unite the waters of remote oceans. You may again pull down civil dynasties and religions, and on their ruins rebuild the forms of liberty and faith. But I tell you, there is no force of human power—there is no assay of human art—there is no sanctity of human touch, which can reunite the people of the North and the people of the South as political and social equals. No gentlemen—never; never, until by your power, your art, and your virtue, you can unfix the unchangeable economy of the Eternal God, can you make of the people of the North and the people of the South one people.

An irresistible instinct of self-preservation has forced the Cotton States to recognise this absolute and imperative diversity, and they are now proceeding to erect their institutions on its present necessity. The Northern States are also manifesting their recognition of the same diversity by preparing, with the aid of the agents of non-slavery, known as the army and navy of the United States, to attempt the subjugation of the Southern States.

I believe the question to be decided by you, gentlemen, is whether Virginia, like the trembling Egyptian, will skulk for shelter beneath the crumbling fragments of a past greatness, to dwell under the scourge of a haughty, but mean taskmaster, or whether she will step forth and with

one voice hush the storm of war, and keep the ancient glory of her name. The times must be far more distempered than now—indeed prophecy dare not seek, for it can never reach that future—when Virginians will hesitate to decide this question.

Mr. President, the people of South-Carolina have declared, in the language of the various compacts between them and their confederates, that they have always retained their sovereignty and independence—that they, with their confederates, did delegate certain powers to a common agent; that by their confederates this compact has been violated; and the Government established under it has become destructive of the purposes for which it was established—and it is, therefore, their right to abolish that Government, so far as it concerns them, and institute another. They have solemnly ordained, and are now, and have for sixty days been maintaining that ordinance by arms—that all political connection with the Government of the United States is dissolved.

The admitted rule on which they have resorted to arms is, "That a violation of a perfect right, either committed or committing, or with which a people is threatened in the future, justifies the undertaking of war—amicable means having been tried in vain. When it is evident that it would be useless to try such means, justice requires a resort to arms."

On this rule, the people of South-Carolina have resorted to arms in defence of "a perfect right."

As I have stated, they have maintained this position for a reasonable time, notwithstanding their chief harbor has been blockaded and their territory invaded; they have maintained it in honor against falsehood and treachery; they have maintained it until five millions of people and six sovereign States have joined with them to form a government, in which, in the language of the eminent citizen who has been placed in charge of the executive department of that government, there can be no cause for doubt that "the courage and patriotism of the people of the Confederate States will be found equal to any measures of defence which our honor and security may require. Further obstacles may retard the progress of that government, but they cannot long prevent the progress of a movement sanctified by its justice, and sustained by a virtuous people. Reverently let us invoke the God of our fathers, to guide and protect us in our efforts to perpetuate the principles which, by his blessing, they were able to vindicate and transmit to posterity; and with that continuance of his favor ever gratefully acknowledged, we will hopefully look forward to success, peace and prosperity."

Believing the rights violated and the interests involved are identical with the rights and interests of the people of Virginia, and remembering their ancient amity and their common glory, the people of South-Carolina have instructed me to ask, earnestly and respectfully, that the people of Virginia will join them in the protection of their rights and interests.

Mr. President, I have performed my mission,

and do now, in the name of my government, tender to this Convention the most cordial thanks for their honorable consideration of that mission; and in my own behalf I offer to the Convention and the citizens of Virginia my heartfelt gratitude for their noble courtesy and most generous kindness to myself personally.

Doc. 28.

SECESSION IN KENTUCKY.

DECLARATION OF INDEPENDENCE AND ORDINANCE OF SEPARATION, PASSED NOVEMBER 20, 1861.

Whereas, The Federal Constitution, which created the Government of the United States, was declared by the framers thereof to be the supreme law of the land, and was intended to limit, and did expressly limit, the powers of said Government to certain general specified purposes, and did expressly reserve to the States and people all other powers whatever, and the President and Congress have treated this supreme law of the Union with contempt, and usurped to themselves the power to interfere with the rights and liberties of the States and the people, against the express provisions of the Constitution, and have thus substituted for the highest forms of rational liberty and constitutional government a central despotism, founded upon the ignorant prejudices of the masses of Northern society, and instead of giving protection, with the Constitution, to the people of fifteen States of the Union, have turned loose upon them the unrestrained and raging passions of mobs and fanatics; and because we now seek to hold our liberties, our property, our homes, and our families, under the protection of the reserved powers of the States, have blockaded our ports, invaded our soil, and waged war upon our people, for the purpose of subjugating us to their will;

And whereas, Our own honor and our duty to posterity demand that we shall not relinquish our own liberty, and shall not abandon the rights of our descendants and the world to the inestimable blessings of constitutional government, therefore,

Be it ordained, That we do hereby forever sever our connection with the Government of the United States, and in the name of the people we do hereby declare Kentucky to be a free and independent State, clothed with all the power to fix her own destiny, and to secure her own rights and liberties.

And whereas, The majority of the Legislature of Kentucky have violated their most solemn pledges made before the election, and deceived and betrayed the people; have abandoned the position of neutrality assumed by themselves and the people, and invited into the State the organized armies of Lincoln; have abdicated the Government in favor of the military despotism which they have placed around themselves, but cannot control, and have abandoned the duty of shielding the citizen with their protection; have thrown upon our people and the State the horrors and ravages of war, instead of attempting to preserve

the peace; and have voted men and money for the war waged by the North for the destruction of our constitutional rights; have violated the express words of the Constitution, by borrowing five millions of money for the support of the war, without a vote of the people; have permitted the arrest and imprisonment of our citizens, and transferred the constitutional prerogatives of the executive to a military commission of partisans; have seen the writ of *habeas corpus* suspended, without an effort for its preservation, and permitted our people to be driven in exile from their homes; have subjected our property to confiscation, and our persons to confinement in the penitentiary as felons, because we may choose to take part in a contest for civil liberty and constitutional government against a sectional majority, waging war against the people and institutions of thirteen States of the old Federal Union, and have done all these things deliberately, against the warnings and voice of the Governor, and the solemn remonstrances of the minority in the Senate and House of Representatives; therefore,

Be it further ordained, That the unconstitutional edicts of a factious majority of a Legislature, thus false to their pledges, their honor, and their interests, are not law, and that such a Government is unworthy of the support of a brave and free people; and we do hereby declare, that the people are absolved from all allegiance to said Government, and have the right to establish any government which to them may seem best adapted to the preservation of their rights and liberties.

Plan of Provisional Government.

Section 1. The supreme executive and legislative power of the provisional government of this commonwealth, hereby established, shall be vested in a Governor and ten Councilmen, one from each of the present congressional districts — a majority of whom shall constitute a quorum to transact business; the Governor and Councilmen to be elected by the members of this Convention, in such manner as this Convention may prescribe.

Sec. 2. The Governor and Council are hereby invested with full power to pass all laws necessary to effect the object contemplated by the formation of the government. They shall have full control of the army and navy of this commonwealth, and the militia thereof.

Sec. 3. No law shall be passed, or act done, or appointment made, either civil or military, by the provisional government, except with the concurrence of a majority of the Council and approval of the Governor, except as hereinafter specially provided.

Sec. 4. In the case of a vacancy in the gubernatorial office, occasioned by death, resignation, or any other cause, the Council shall have power to elect a Governor and his successor, who shall not, however, be a member of their body.

Sec. 5. The Council hereby established shall consist of one person selected from each congressional district in the State, to be chosen by this Convention, who shall have power to fill all

vacancies from any cause, from the district in which such vacancy shall occur.

Sec. 6. The Council shall have power to pass any acts which they may deem essential to the preservation of our liberty and the protection of our rights; and such acts, when approved by the Governor, shall become law, and as such shall be sustained by the courts and other departments of the government.

Sec. 7. The Governor shall nominate, and by and with the advice and consent of the Council, appoint all judicial and executive and other officers necessary for the enforcement of law and the protection of society, under the extraordinary circumstances now existing, who shall continue in office during the pleasure of the Governor and Council, or until the establishment of a permanent government.

Sec. 8. The Governor shall have power, by and with the consent and advice of the Council, to conclude a treaty with the Confederate States of America, by which the State of Kentucky may be admitted as one of said Confederate States, upon an equal footing, in all respects, with the other States of said Confederacy.

Sec. 9. Three Commissioners shall be appointed by this Convention to the government of the Confederate States of America, with power to negotiate and treat with said Confederate States for the earliest practicable admission of Kentucky into the government of said Confederate States of America, who shall report the result of their mission to the Governor and Council of this provisional government, for such future action as may be deemed advisable; and should less than the full number attend, such as may attend, may conduct such negotiation.

Sec. 10. So soon as an election can be held, free from the influence of the armies of the United States, the provisional government shall provide for the assembling of a Convention to adopt such measures as may be necessary and expedient for the restoration of a permanent government. Said Convention shall consist of one hundred delegates, one from each representative district in the State, except the counties of Mason and Kenton, each of which shall be entitled to two delegates.

Sec. 11. An Auditor and Treasurer shall be appointed by the provisional government, whose duties shall be prescribed by law, and who shall give bond, with sufficient security, for the faithful discharge of the duties of their respective offices, to be approved by the Governor and Council.

Sec. 12. The following oath shall be taken by the Governor, members of the Council, judges, and all other officers, civil and military, who may be commissioned and appointed by this provisional government:

"I, ———, do solemnly swear, or affirm, in the presence of Almighty God, and upon my honor, that I will observe and obey all the laws passed by the provisional government of Kentucky, so help me God."

Sec. 13. The Governor shall receive his salary, two thousand dollars per annum, and the coun-

cilmen five dollars per diem, while in session, and the salary of the other officers shall be fixed by law.

Sec. 14. The Constitution and laws of Kentucky not inconsistent with the act of this Convention, and the establishment of this government, and the laws which may be enacted by the Governor and Council, shall be the laws of this State.

Sec. 15. Whenever the Governor and Council shall have concluded a treaty with the Confederate States, for the admission of this State into the Confederate government, the Governor and Council shall elect two senators, and provide by law for the election of members of the House of Representatives in Congress.

Sec. 16. The provisional government, hereby established, shall be located at Bowling Green, Kentucky, but the Governor and Council shall have power to meet at any other place that they may consider appropriate.

Done at Russellville, in the State of Kentucky, this twentieth day of November, in the year of our Lord 1861.

The declaration was unanimously adopted. The plan of government was read and acted on by sections, and each section having been separately considered and adopted, a unanimous vote was given in favor of the whole plan.

—*Richmond Examiner*, December 2.

Doc. 24.

THE UNION PARTY IN MARYLAND.

ADDRESS OF THE UNION STATE CENTRAL COMMITTEE OF MARYLAND—OCTOBER, 1861.

WE are in the midst of events, fellow-citizens of Maryland, which forbid silence or inactivity. Clinging with devotion to the long-tried institutions of our country, we have taken council concerning the perils which environ this State, and distract the nation. We are sincerely animated by one purpose alone—a reconciliation of every State to "a more perfect union," a restoration of public and private confidence, and the solid confirmation of our nationality in a spirit of magnanimous justice, so that the United States may continue to be what, until a recent period, it has always been—the refuge of constitutional liberty against the assaults of all its enemies.

It is proper that Maryland should be heard and heeded in this crisis. Our situation in the geographical centre of the country, holding the District of Columbia and the Capital within our boundary, gives us an important power and a dangerous position, which not only appeal to the forbearing consideration of other States, whose interests might induce them to seduce or force us into the ranks of secession, but equally to our own sense of dignified duty to the whole nation, to ourselves, and to each of our sister States. Thus estimating our posture, we are not to halt, in deliberation over the past, or in debating the disobedience either of the North or of the South. Crimination and recrimination are of no avail. It

is a period like that of 1776, during which Washington emphatically exclaimed, to a hesitating American: "I must tell you in plain terms, that at this time a neutral character is looked on as a suspicious one, and I would, therefore, advise you to leave a country with the majority of whom you cannot agree in sentiment, and who are determined to assert their liberties by the ways and means which necessity, and not the love of war, has obliged them to adopt." It is, fellow-citizens, a period of eager conflict between *two elements alone—the element of national protection, and the element of national destruction*. You are solemnly called on to elect between the two. You are to pass judgment on this issue alone, as a free people. Day by day the uncontrollable "logic of events," has narrowed the field of controversy. All well-meant and patriotic efforts of adjustment have been made in vain. Patient men have exhausted hope in their attempts to produce a peaceful solution, until at last you are sternly commanded, by every manly principle of your nature, to decide at once between the solid institutions framed by Washington and his compeers, under which our country has been free, prosperous, progressive, and powerful, and that illegitimate dominion, which, screened behind its assumed right of constitutional secession, is now perhaps ready to reduce Maryland to the subjection it is attempting in Kentucky.

The question of Maryland is the question of the nation. Our situation on the national map makes the interests of all sections our interests. Our State, from its nearness to the great valleys of the West, and by its equi-distance between the Northern and Southern extremes, is the original terminus and mart of internal exchange, indicated by nature herself in the geography of the country. Our grand system of internal improvements has striven to confirm what nature indicated. *Maryland, in the Union*, is and must be a great central receptacle of internal produce and foreign distribution, while Baltimore, its capital, is the great central axle of a trade whose circumference should touch, gather, and exchange the products of every section. Our people are the people of all sections. Our institutions are the institutions of all sections. Our productions and industries are the productions and industries of almost every section. Freedom and slavery mingle on our soil in harmonious coöperation. If the South is one of our best purchasers, it is of the productions of the North, East, and West, and of our own industry and commerce. We plant, we farm, we manufacture, we navigate, we trade. And so, while Maryland is the sentinel of the National Capital, every element of State position, State commerce, State labor, State strength, and State progress, comes to us, unmistakably, with the broad stamp of national unity on its front.

Ingenious politicians may allure us by declaring that "the instant Maryland quits the Union, Baltimore will become the New-York of the Southern Confederacy." Trust no such dealers in the delusive bribes of demagogism. It will be a novelty in human history for commerce to be-

come sentimental! The strongholds of trade are not built in a day, nor are they dependent on legislation or sectional caprice. Many a year must elapse before the commerce of Maryland, at the tail of any confederacy, either Northern or Southern, will restore confidence to its former channels, and rewarded labor to the impoverished who are now suffering in our midst. No new nation would have the temerity to put its chief mart, with all its vast mercantile accumulations, on the margin of so perilous a border. Rather would it be screened behind the barriers of another State and another river. Richmond and Virginia, not Baltimore and Maryland, would attract the attention of discreet politicians and wise capitalists. Maryland might become a barrack, a bulwark, or a battle-field, under new organizations; but frail would be the hope to restore our Commonwealth, and its capital, to even their comparative prosperity.

Nor is slavery to be made more secure by disunion. The interposition of an invisible, mathematical line between it and freedom, is as flimsy as a spider's web, when compared with the iron grasp of constitutional law in the hands of an independent and national judiciary. Is there a slaveholder in Maryland prepared to hang the fifty or sixty millions of property, possessed by his fellow-citizens, on such an attenuated film? Other States have been called the "Keystones" and "Empires" of the Union, but well indeed has Maryland been styled its "heart." You may do but two things with that "heart;" you may let its warm, natural, healthful pulsations pour the life-blood of loyalty and national industry through every artery of the Union, or you may let it remain in the carcass of a dis severed nationality to decay amid the sluggish corruptions of disunion.

Thus far, fellow-citizens, we have dealt with this question in what may be considered its more economical and least patriotic aspect. That aspect—the interest of the people of this State alone—is, in our judgment, conclusive. But sectionalism, founded on State rights, peculiar institutions, peculiar property, or peculiar habits of thought, is so foreign to the people of Maryland, that we are not to be denied the possession of that larger patriotism which can only spring from being citizens of a great and powerful country. This is the habitual, constitutional sentiment of Marylanders. We have never considered that a proper appreciation of our own interests, and the protection of our own property and State, were inconsistent with the interests and the rights of the people of every State of the Union. On the contrary, we have not only regarded them as harmonious, but necessary. Their very diversity of labor and production is the source of strength in unity, as the healthy assimilation of various food is the basis of human growth and vigor. Out of such blended and coöperating elements springs a great nationality, founded on community of interests, habits, governmental system, a common power of protection, and the recollection of a common glory. There is one thing which rises supreme above all others, in the purposes for which

the American people live, for which our fathers fought, as there is but one true cause in the world, and that is—regulated and secure *national* liberty. Regular liberty can only be sustained by the permanence of constitutional government, and constitutional government can only be sustained by its equal and abiding justice, enforced by the inherent loyalty of *the nation*. That, in our judgment, is the true patriotic nationality, which every man at this period is called upon to defend, *for ourselves, among ourselves, for the world, and against the world*. That is the nationality which is shared, and, we believe, is loved by the people of Maryland; that is the nationality which is especially needful for this State; for, without it, the smaller States, of which ours is one, might be always subject to the audacious combinations or caprices of the larger. No loyal Unionist in Maryland, therefore, favors the abrogation or derogation of the power, equality, or rights of any citizen; or of the power, equality, or rights of any State; but, on the contrary, seeks to defend their sovereign security by firmer guarantees and clearer definitions in the Constitution itself, so as to make that Constitution its own and sole definer. No Unionist in Maryland bows, in submissive reverence, to those on either side who either disobey the Constitution, or maliciously or incautiously invade its rights. All these things, we believe, are already amply secured to us by our organic law, and will endure as long as it, and the Union under it, last; but when we drift from that secure anchorage, every State, as well as the entire nationality, is at once at sea upon a dark and stormy ocean.

Then, fellow-citizens of Maryland, why should we abandon this Constitution and the Union on political grounds? We represent no party. We speak for the whole people; for the men of every section. We have nothing to do with past issues. We have nothing to do with any party in existence, or that has ever existed in this country. We owe no allegiance to any administrations or platforms. We have simply to ask ourselves one question, and but one, as a key to most of the questions involved in our national troubles: if Mr. Breckinridge, of Kentucky, had been elected President of the United States, in November, 1860, would there now be a single man in arms against the Government of the United States in any State of this Union? Did even South-Carolina move in this insurrection until the electric wires proclaimed his defeat? Is not the Constitution of the United States precisely the same Constitution in October, 1861, that it was in October, 1860? Nay, has not a Congress, almost devoid of Southern members, proposed to strengthen it by a permanent guaranty of the institution of slavery? Is not this Constitution as binding on President Lincoln as it would have been on President Breckinridge? Can the constitutional election of a President, in any way, produce an *organic* change of government? Was it not known that the President-elect would be trammelled by an adverse House of Representatives fresh from the people? Was it not known

that a majority of the Senate, Democratic in character, and jealous of all intrusive constructions of the Constitution, would have entire control over his nominations and treaties? Was there ever an Executive of so great a nation so completely under the watch and ward of eager sentinels of the Constitution? Nay, were not the President and his Cabinet—naturally careful of the high fame and duty attached to their exalted positions—amenable even to a higher tribunal than that of Congress, for were they not placed in power by a *minority* of the people? Would not the vigilant eye of the *opposing majority*, nerved by party discipline and courage, have ever been sternly fixed on every act of the Executive and his Cabinet? What, then, was there in the election of a President of opposite politics, chosen, it is true, by a small majority of States, but confronted by a large and hostile majority of voters, to disturb the patience of any man? It is no novelty for most of us to endure four years of an adverse Administration. We have borne it often; nay, some of us have never had a President of our choice; yet no man, hitherto, thought of making it at least the *occasion*, if not the *motive*, of revolt. No man thought of it with more fear for the stars of our Union than he did of the disturbance of the stars in heaven by the intrusive comet which recently swept the earth with its luminous tail!

A candidate was defeated, and secession, *by States*, began. They were loyal until the sceptre departed, and then commenced to rebel *peacefully*? But to rebel against what? Against *alleged constructions* of the Constitution, *not* against the Constitution itself. "We have changed," said Mr. Jefferson Davis in his inaugural as President of the so-called Confederacy, at Montgomery—"We have changed the *constituent parts*, but not the *system* of our Government. The Constitution formed by our fathers is that of these Confederate States. In their exposition of it, and in the judicial construction it has received, we have a light which reveals its true meaning."

Yet, what is there in a mere apprehended danger of the possibility of a future, and probably remote, attempt to change the received law according to the United States Supreme Court, to justify a combination to destroy the Union of the States? How, fellow-citizens of Maryland, can you be candidly asked by the South to abandon the very instrument of our organic national law, which you now hold in common with the other loyal States, and which that South itself has substantially readopted for its government? Does not the mere narration of events exhaust even the pretences upon which this uprising is founded? Does not the alleged change of "*constituent parts*," simply and alone, signify "*constituent men*," who now appeal to a loyal country to be "let alone" in their usurped power?

We are not unacquainted with the fact, and do not mean to ignore it in this paper, that the South has had cause for irritation, and perhaps some alarm, from *partisan* interference with its

rights over that species of property on which it is mainly dependent. We do not ignore the fact that the famous "liberty bills" (whose admitted unconstitutionality rendered them not worth the paper they stained) were made one of the causes of separation by South-Carolina in her declaration. Yet, with all these facts, tending as they really did to disturb confidence and good neighborhood, we hold them *inadequate, as intolerable provocations, to justify the destruction of our National Confederacy. The essence of a Republic is free discussion, and free discussion may annoy, but it assists in attaining right conclusions.* The great commercial, financial, manufacturing, and navigating interests of the North are, *from necessity, too vitally protective of Southern agriculture to do anything but sustain it. Every interest of the North is really the soldier of Southern industry;* and if England, abolitionist England, can be solicited and expected to war with the United States for a commodity founded on slave labor and its chief support, what candid belief is there in the *voluntary* abandonment, by the North, of its looms, its ships, its exchange, its vast and lucrative commerce, all drawn from and dependent on the identical basis? Who can be so illogical or deluded as to believe it?

But, in your adherence to the Constitution and the Union under it, adroit politicians seek to bewilder you by *side issues*, which, whatever may be their merit as independent propositions in time of peace, must now be kept in strict subordination to the *great National issue*. They seek thus to confuse your ideas and pervert your judgment. They approach you in turns by rhetoric and sophistry. They assail the tender side of your nature by your sympathies. They even venture on indirect appeals to your fears; and, if all these fail, so far forget themselves occasionally as to attempt intimidation.

Be firm: heed them not. Names are not things. You are not an abolitionist because you loyally love the Constitution which Mr. Jefferson Davis says is the same as that of the Confederate States. It is nothing more than the Constitution which *he* swore to protect and obey when he served the Union in the field and in the Senate. You construe it as your fathers construed it. Let no man put words in your mouth. You belong to none of the dismal categories in which they would place you. Tell them, Marylanders, that you defend nothing but what you announce, and frankly that you announce nothing but *Union under the Constitution*. If they ask you what you mean? answer, "*Administration like Washington's and construction like Marshall's.*" Tell them you will, at all times, preserve a just and manly balance between your sympathies and your understanding, and that he who survives the free thought and expression of his country has survived its dignity and lived too long. Tell them you will not be swept from your independence by restless discontent with what is transient in opinion or administration, and thus lose your hold on what is universal and permanent. Tell them if party policy in

ordinary times can wrongfully use fanatical elements as tools for success, that success, when assured, always becomes cautious, and never allows fanaticism to control its policy. Tell them, if there are some *lesions* at the bottom of this insurrection, they are not mortal or beyond the surgery of patriotic statesmen; nor need they kill, quarter, and dissect the national patient to cure an irritation. Tell them all that is evil will be cured, because the future national prosperity, power, and stability depend on such healing. Under free institutions like ours, bad government works itself out, and good government works itself in. The national crisis we are undergoing is of this character. It is the moral eruption of that poison which political ambition, jealousy, and intrigue, stimulated by sudden and unparalleled opulence, have infused into the life-blood of government. Let us rejoice in the vitality which is still able to expel the venom. Once extirpated, we shall breathe better and see clearer. We shall perceive, with quieter pulses and less agitated nerves, what we may need. We shall be more just to each other; we shall be less sectionally conceited; we shall be more tolerant and less meddlesome; we shall proceed to clearer definitions and boundaries of powers and rights; we shall admit the necessity of the constitutional and final settlement of every thing which may re-create sectional contention; we shall learn that subordination to law is in no wise inconsistent with State, personal, and general liberty; we shall understand that the law guaranties every man the right of opinion, but does not make every man's or every section's opinion *the law*; we shall insist on administrative morality and accountability; we shall obliterate all possibility of questions as to property: and, at length, the great people of this Union will become really free, when they emancipate themselves from the demagogical combinations of party conventions, whose wicked dominion has strangled individual liberty, and almost destroyed a nation which was the wonder, the model, the hope, the glory of our age.

We have but few more words to say to you, fellow-citizens, but they touch some things which we know are home questions in your minds. Tell your assailants, Union men of Maryland, that you, as Washington did, will denounce *sectionalism*, wherever you find it, and that you will cultivate kindness with all honest men and patriots of all parts of the country; for you can only master the evil passions of men by sympathising with what is virtuous in their natures. Tell them it is false that Maryland, while loyal to the Union, sees, in its persistent defence, anything like "coercion" or "subjugation," of the South. These are words cunningly coined to alarm sympathy. *We are simply for the law, as the fathers made it; every man who obeys it is our brother.* We have more interest and right in protecting it as a substantial blessing we own, than others have in destroying or diminishing it. "Coercion" and "subjugation" signify the infliction of laws or dominion which the coerced and subdued had

not before. We pretend to no exercise of such arbitrary power. Obedience to the Constitution, and the Union under it, is all we insist on. The moment it is yielded, love, tenfold more ardent than of old, takes the place of present sorrow, and the soldier becomes the Samaritan. Tell them we have the same rights, the same spirit, the same pride, as they have; and that they who fired the first gun at the American flag, shall not "coerce" us—shall not "subdue" us!

For these reasons, fellow-citizens of Maryland, we call on you to support our candidates at the next election. As yet we have no absolute opposition, on any definite system of policy. A Convention recently assembled in Baltimore, on what was called a platform of *peace*: yet, so far as we are informed, it adjourned without disclosing a practical plan, official or otherwise, for the successful attainment of that blessed boon.

If by peace they mean a simple cessation of war by a return of the opposing soldiers to their customary avocations at home, we confess our inability to discern, in such an act, any solution of the national difficulty. It would be rather an abstinence from present conflict than a pledge of permanent peace. It would be merely a sympathetic response to whomsoever, on either side, wishes to be "*let alone*."

If they mean that the withdrawal is to be accompanied by a recognition of the Southern Confederacy, it would be an assent to the doctrine of the right of secession, for which no loyal man is ready; or a more palpable admission of the fact, that what we and the world once believed a great nation is nothing but a wretched mass of voluntarily divorced materials, unentitled to the confidence and unworthy the respect of mankind. Peace parties, in our judgment, at this time—much as all men deprecate war—seem to us not even empirical palliatives. If they mean anything among statesmen, they mean recognised disunion. *We have no toleration of voluntary secession in order to come together again at new altars and under other priests! The marriage of the divorced is a dismal wedlock; nor is there a word of cheering or promise from the Southern leaders that such a reunion would even be tendered!* There is a point, in this view of the question, which is exceedingly important to Maryland. The oldest and most experienced of our *National Journalists* has lately observed in his columns, that "it is understood the so-called Peace party, in the State of Maryland, is organized for the single object of promoting an immediate cessation of hostilities between the seceded States and the General Government. . . . As peace, declared at this moment between the high belligerent parties had in contemplation by the friends of this movement in Maryland, would have for its inevitable effect, to leave that good old State in political fellowship with the North, and in *political isolation* from the South, are we to understand that it is part of the policy and aspirations of this peace party to accept the final and perpetual alienation of Maryland from her sister slaveholding States? If so, the Maryland Peace party appears to be more

essentially Northern in its aims than has been generally supposed.

We, too, are for peace; but we are for something more—we are for peace and union; because it is our conscientious conviction that there can be no enduring peace without Union. No sisters of this family can make runaway marriages beyond the seas! None of them can leave their home, petulantly, for protection abroad; nor can anything but sudden and unappeasable passion account for recent acts which disown the AMERICAN POLICY of Washington and his most illustrious successors.

Finally, we believe in the inherent right and duty of all free governments to protect themselves. We believe, also, in the revolutionary power and duty of all people against clear acts of *intolerable* oppression. But we do not believe in the power of these States to sign their own death-warrant. No men, sooner than the Southrons, would despise such acts of whimpering abandonment. Their course is ruled by other and bolder counsels. Our forefathers, in making the Constitution, perhaps, inserted no power for the armed and sudden protection of Government, because, like the law-givers of old, they believed no law necessary to guard against patricide. Such power must be inherent, else all idea of government, in a national sense, is a mockery in our relations to the great powers of the earth. We do not believe that the only unwritten or reserved powers in the Constitution are the rights of a revolutionary character. If such rights exist therein, the co-relative powers of protection coexist. We, who are zealously seeking to confirm our national Union, the rights of the people, and the perfect equality of all the States of the Union, consider it our duty to look at the questions from every point of view. The centralism of Maryland—the clasp of that national belt which girdles and still holds together the Union—gives it a calmness which, in the estimation of candid persons, should entitle its judgment to the respect due to impartiality. If we were anything else but what we are, we might become sectional; but sectionalism in Maryland, among the masses of thinking men, is impossible. Indeed, sectional enmities among a free, homogeneous people, are spurious. They are the counterfeits with which political demagogues cheat the simple. Here the tides of opinion, from North, West, and South, mingle; but they do not stagnate. Surveying them all, from all points, surging as they are at present, we observe their passionate wrath with earnest sorrow, but they do not tear or stir us from our anchorage on the Constitution, and our honored flag is still at the peak, Union up, and every star on it!

By order of the Union State Central Committee,

BRANTZ MAYER,

President.

JOHN B. SEIDENSTRICKER,

Vice-President.

JAMES L. PARR,

Secretary.

FREDERICK FICKEY, JR.,

Treasurer and Secretary.

Doc. 25.

GOV. CONNOLLY'S PROCLAMATION.

ORGANIZING THE MILITIA OF NEW-MEXICO.

Whereas, This Territory is now invaded by an armed force from the State of Texas, which has taken possession of two forts within the limits of the Territory, has seized and appropriated to its own use other property of the General Government, and has established military rule over the part already invaded; and,

Whereas, There is every reason to believe it is the intention of the said force to pursue its aggressions further, and establish the same military rule over the balance of the Territory, and subject us to the dominion and laws of the government of Texas;

And, whereas, by section 43 of an act of the Legislative Assembly, approved January 6, 1852, it is provided that "in case of an insurrection, rebellion or invasion, the Governor shall have power to organize and call out the militia for the service in such numbers, and from such districts as he may think proper:"

Now, therefore, I, Henry Connolly, Governor of the Territory of New-Mexico, by the authority in me vested, do hereby issue this my Proclamation, ordering the immediate organization of the militia force in the different counties in this Territory, and calling upon all officers, civil and military, to begin at once this organization. To effect this object, the field officers provided for by the said militia law will be immediately appointed. The Adjutant-General of the militia of the Territory is hereby ordered to carry this Proclamation into immediate effect.

Citizens of New-Mexico, your Territory has been invaded, the integrity of your soil has been attacked, the property of peaceful and industrious citizens has been destroyed or converted to the use of the invaders, and the enemy is already at your doors. You cannot, you must not, hesitate to take up arms in defence of your homes, firesides and families. Your manhood calls upon you to be on the alert, and to be vigilant in the protection of the soil of your birth, where repose the sacred remains of your ancestors, and which was left by them as a rich heritage to you, if you have the valor to defend it. I feel that I appeal not in vain to those who love the land of their fathers—a land that has been the scene of heroic acts and deeds of noble daring, in wars no more patriotic than that for which preparations are now being made. As your ancestors met the emergencies which presented themselves in reclaiming your country from the dominion of the savage, and in preparing it for the abode of Christianity and civilization, so must you now prove yourselves equal to the occasion, and nerve your arms for the approaching conflict.

He whose heart beats with no patriotic impulse in times of danger, deserves not a *patria*, and should be treated as an enemy to his country. Of these, I trust there are few, if any, among us; but he that now falters when every energy

that exists in the patriotic heart should be brought into requisition for the purpose of repelling an invading foe, will in future be pointed at with derision as an Arnold or as a Lynde.

Done at Santa Fé this ninth day of September, in the year eighteen hundred and sixty-one.

By the Governor, HENRY CONNOLLY.

M. A. OTERO,
Secretary of New-Mexico.

Doc. 26.

ADDRESS OF HENRY WINTER DAVIS,

DELIVERED AT BALTIMORE, ON WEDNESDAY EVENING, OCTOBER 16, 1861.

The President, Job Smith, Esq., introduced the Hon. Henry Winter Davis. [Applause.]

Mr. DAVIS: Mr. President and fellow-citizens of the United States, [applause,] time and events, the great instructors, have dispelled many a delusion, stripped off many a mask, and reduced to certainty many things about which men some months ago might have ventured to doubt. Who now talks of reconstruction as the purpose of secession? Who now talks of peaceful secession? Who now dreams of secession as a constitutional right to be determined at the ballot-box and to be acquiesced in—now that invading armies are trampling down the soil of Kentucky and marching through and through the territory of Missouri, in spite of the repeatedly expressed will of their people? The mask of hypocrisy has been stripped from those pretences.

There have been expectations, likewise, disappointed. There were those who, when they raised the standard of rebellion against the Government of the United States, fondly supposed that Cotton was King. [Laughter.] They dreamed that his upstart majesty would bring to their knees Great Britain and France, incapable of controlling their laboring population without that aliment of their industry. They dreamed that if a blockade should interpose an obstruction to the free exit of cotton, English and French fleets would sweep the ships of the Union from before the Southern ports; that if armies of invasion should venture to touch "the sacred soil" of the cotton field, that imperative necessity would require that England and France should retaliate by blockading Boston and New-York, and that if these gentle measures were not sufficient, their armed intervention here would be required to secure them peace at home. Whether the six months during which this contest has progressed, have been sufficient yet to remove these delusions from the minds of those who fondly reposed in them as a source of strength, you now can judge. Nay, those who led in that rebellion, misled their deluded fellow-citizens into supposing that it was not an organized resistance to the Government in only one portion of the Union, but that disintegration had wrought its work from one end to the other of the Republic, and that whenever there should be any attempt on the part of the Gov-

ernment to strike a blow for the maintenance of its integrity, it would not be the rebellious States of the South alone that would have to meet the brunt of the contest, but that "the Northern myrmidons of Abraham Lincoln," [laughter,] his "hireling men" sent to trample down the South would be met, arrested, and overthrown by the faithful Democrats of the North, [laughter]—subservient for a long generation to Southern dictation, as they fondly supposed their allies, not merely in the pursuit of political power by the ballot-box, but also in arms of rebellion having no purpose but to elevate some man to power, who might share the plunder with them—and ready to imbrue their hands in their neighbors' blood rather than allow insurrection to be suppressed by military power. [Applause.] It is probable that, however any other delusion may still cling around their vision, that one at least has faded away.

And then, fellow-citizens, events have taught us something more. Men have waked from the dream of that millennium of a Southern Republic peaceful in guise, merciful in disposition, resting upon the unconstrained will of its people, carrying out an industrial theory, amid its patriarchal institutions coercing nobody, doing violence to nobody, peacefully pursuing its commercial and industrial interests! They who so dreamed, and so spoke, and felt a soft inclination towards "our Southern brethren," have had some rather rude instruction upon that topic. [Laughter.]

They have inaugurated instead, an era of confiscations, proscriptions, and exiles. Read their acts of greedy confiscation, their law of proscription by the thousand. Behold the flying exiles from the unfriendly soil of Virginia, Tennessee and Missouri. Andrew Johnson an exile from Tennessee! [Applause.] Emerson Etheridge [great applause] dare not go home for fear of arrest, prosecution, and death by the hangman—if the swifter and more congenial assassin leave him to their mercy. Thomas A. R. Nelson seized on his transit to the capital of the United States, incarcerated, and compelled by threats to his life to forego the allegiance to his native land. John S. Carlisle [great applause] pursued by a writ for his arrest because he would not be a traitor. And the partisans in Maryland of the men who do these things make our streets hideous with their howl about "oppression," and invoke all the principles of the Constitution that their allies have spent now nearly a year in making a dead letter, to secure their immunity here and convert this heaven into their hell. [Applause.]

Fellow-citizens, these events have worked another and a remarkable change here. They have disposed of nearly the whole of that wretched class of middle men; men who are secessionists with Union proclivities, [laughter;] or Unionists with secession proclivities, [laughter;] men who are for the Union and against coercion, [laughter;] who are opposed to the dissolution of the Union and equally opposed to having it maintained, who think the Government ought to as-

sert its authority if men will submit to it, but if not, that it ought to submit to them; men who think that rulers do bear the sword in vain—men who confess with a sigh their allegiance to the Government, but that their hearts are with the South; the men of compromise, the men of concessions, the men of "Southern" feelings, the men of "Southern" proclivities and sympathies and inclinations. All that class of men who concealed their treasonable purposes under the flimsy disguises that recently deluded our people, no longer deceive any one. The enemy is at the door, and the people of Maryland know that they who are not their friends are their enemies, ["That's so." Applause;] that they who are not upon the side of the Government are against it, ["That's so;"] that they who are not for repelling the invader mean to invite him here; that they who do not wish the rebellion stamped out in Virginia mean that it shall cross the Potomac into Maryland; they who do not wish McClellan to winter in New-Orleans, want Jefferson Davis to winter in Baltimore. They have known all along, and we know now, even the most doubting of us, as well as they know, who are our enemies and who are our friends; and if we have treated some of our enemies to their deserts, let not those who walk at large and insult the mercy of the Government suppose that there is any impassable barrier between them and the companionship of their friends. [Great applause.] They have no right to complain. In the face of the mercy of the Government which they perpetually abuse, they insolently meet patient Union men upon the corners of the streets, in their counting-rooms, and in the parlor, and on the Merchants' Exchange, and wherever men "most do congregate," and whilst they writhe under the blow that has stricken them down here and taken from them the fruits of their treason before they could fully enjoy them, their only comfort is to appeal to the future, to promise retribution, to intimate that assassination may cut short those who treat them as traitors; that if ever they get the upper hand the lamp-post will be graced by individuals that they name; that they will not be as insanely merciful as the Government of the United States is; and these things while they venture to impeach the Government for harsh and oppressive measures!

Gentlemen, we have great patience. With the liberty of every one of these individuals in the grasp of the Government if it choose to close the hand upon them, with their lives at our mercy if we only choose to invoke their precedent and set loose the mob that they organized upon the nineteenth of April—with the example of their avowed confederates, who have exiled our friends, confiscated their property, outraged and scourged our flying sisters—with these provocations, these men have so little of prudence or such profound conviction that loyal men differ from traitors in that they execute the law in mercy and forbearing kindness—these men venture to tell us that our time will come when they get the uppermost. I doubt not, gentlemen, but *when?* [laughter.]

When? "Two weeks" has been the period of expectation of the prophets of the Southern millennium for the last six months, [great laughter,] and still time drags slowly on to the moveable feast of the Secession. Two weeks is marked for the crossing of the Potomac from day to day; and still the water rolls on unpolluted by a traitor's foot. [Applause.] Nay, it is even said that gentlemen traitors, of delicate breeding and aristocratic pretensions, whose patriotism always assumes the form of a supper, [laughter,] have already spoiled one through the watches of one long wearisome night in the vain expectation that the lips of the Deliverer might taste their wine. [Laughter.] Will these prophets tell us when?

Fellow-citizens, the time for doubting men has gone; even the time for "peace" men has gone. [Laughter.] They have invoked everything else, and now they can scarcely find advocates to invoke peace. "Blessed peace" goes begging in the midst of this warlike state. "Blessed peace" can find no advocates now that her advocates are incarcerated. "Blessed peace" is no argument to urge now in the presence of embattled hosts. And why? Not because there are not people who want peace; peace, accompanied even with the triumph of the traitors; peace at the expense of the integrity of the Government; peace at the cost of every interest of the State of Maryland; peace, though it soil our national escutcheon with degradation and defeat. There are men who will crawl in the dirt still for peace; but there is nobody now who can be deluded into believing that peace means anything but humiliation, disgrace, degradation, national dissolution, the end of the Republic, the beginning of the scorn and contempt of the world. [Great applause.] Ye men of Maryland who will crawl to the altar of peace, crawl there; but ye men of Maryland, who remember that your forefathers thought seven years of war better than peace with submission and degradation, I appeal to you here this night to revive the recollection of those great days, and act upon their inspiration. [Great applause.]

And Maryland, too, is she disloyal? [No, no.] There are those who say so. There are those who say so in our State; there are those who say so abroad; there are those in power who believe it, and there are those who are not in power, but who skulk about in the darkness of the alleys of this great city, and carry whispering to the ear of power their slanders on their fellow-citizens, or spread them broadcast by the press all over the country, until Maryland stands almost in as ill-repute as if she had lifted her hand in arms against the Government that she adores and will maintain; and because of one deplorable and humiliating event, the result of weakness in some of our rulers and of treachery in others, there are those in one great region of this country who treat the State of Maryland as the whole South lately treated the whole North. The time was when one fanatic, inflamed by hatred, started out to make war upon the State of Virginia and set its negroes free, with twenty men at his back.

[Laughter.] He was seized and hung. All the South, with one acclaim, laid that dastardly and crazy deed at the door of every man throughout the great regions of the civilized and Christian North; and there was no voice from the South in the House of Representatives but one, and that one ventured it at the peril of his political existence, to defend the North from that imputation. [Applause.] And now the city in which he lives has yet to find one defender in all the region of that North, from complicity with the equally dastardly crime of the nineteenth of April. [Applause.] Great masses of men, when their passions are aroused, and when the judgment is asleep, when great events are transpiring, forget the rules of justice and of discrimination, and one portion of the country is just as liberal and just as illiberal as the other under analogous circumstances. I have defended my fellow-citizens of the North. I can venture now to defend my fellow-citizens of Maryland, and demand to be heard elsewhere than here. [Applause.]

Is Maryland, then, disloyal? Has she ever, for a moment, hesitated even? It is more than can be said for any other State south of Mason and Dixon's line, but Delaware. Have the people of Maryland ever hesitated as to the side they should take in this great struggle? ["No," "no."] Did she hesitate when the Commissioners from Alabama and from Mississippi sought to associate her to the plotting of their treason? Did she hesitate when her Governor resolutely for three decisive months refused to convene her traitorous Legislature, [applause,] lest they might plunge her into the vortex of rebellion? Did she ever hesitate when cunning politicians pestered him with their importunities, when committees swarmed from every disloyal quarter of the State, when men of the first position sought him and attempted to browbeat him in his mansion? Did she swerve when they, failing to compel him to call the Legislature, attempted the vain formality of a mock vote throughout the State to call a sovereign Convention by the spontaneous voice of the traitors of Maryland? Did they hesitate when in almost every county, even in those counties which were strongly secession, at the election for that Convention, the disloyal candidates were either defeated or got votes so insignificant as to create nothing but disgust and laughter throughout the State? Did they hesitate when that wretched remnant of a Convention met here amid the jeers and the scoffs of the people of Baltimore, at the Maryland Institute—to do nothing and go home? What was it that enabled the Governor to resist the pressing applications for the convocation of the Legislature? Are we to suppose that he had courage and resolution to face down and overbear the will of the great majority of the people of Maryland? Or was it not because, knowing the people who had elected him, their temper and their purposes, he felt that however severe the pressure might be on him, where one person sought the meeting of the Legislature, there were thousands who stood by him in his refusal to convoke them. [Applause.]

Gentlemen, if the country will only go back to that critical period, the period of the opening of the electoral votes in the House of Representatives, in February, and the inauguration of the President on the Fourth of March, they who know most about that period will know best that the destiny of the capital of the United States lay in the hollow of the hand of Maryland! And had Maryland been *then* as people now presumptuously assert that she is, Abraham Lincoln might have taken the oath before a magistrate in the corner of some magistrate's office in Pennsylvania, but he would not have been then inaugurated where his predecessors were inaugurated, in the august presence of the capital of the country. I pray gentlemen to reflect when they think of subsequent events, that if disloyalty had lain as a cankering worm at the heart of Maryland, then was her time. She could have made something by being false then. She could have presented herself before her Southern sisters, dowering them with the capital of the country; and there was no power that could have prevented that gift, however the returning tide of events might have shown it to be as unwise as it was treacherous.

Then, fellow-citizens, what next? The bombardment of Fort Sumter, the uprising of the North, the call for troops which Marylanders stood ready to respond to, [applause,] when their ardor was damped by the proclamation of the Governor, and the disloyal Mayor of Baltimore—not the disloyal Governor, but the Governor and the disloyal Mayor of Baltimore, ["that is it,"] informing the people that no troops should be sent out of the State of Maryland for any other purpose than the defence of the capital. That was the equivalent of telling the traitors of Maryland that the loyal men of Maryland were afraid to do do their duty, and they acted upon it instantly. That proclamation appeared upon the eighteenth of April, and on the very evening of that day was held the meeting at which Parkin Scott, and Mr. Carr, and Mr. Burns, and other men of that stamp, prepared the hearts of the mob for the nineteenth of April. ["True."] And then, gentlemen, came that eternal stain upon the memory of those engaged in it—not a stain upon the memory of Baltimore—not a stain upon the memory of her loyal Governor—not a stain upon the memory of her disarmed loyal citizens—a stain upon those who vilely and perfidiously perverted the trust given to them by the people of Maryland for the preservation of the peace of this city, into an instrument of revolution, treacherously begun, treacherously carried on until it fell before the scorn and wrath of the people of Maryland.

Then, gentlemen, the Governor, with the commissions already signed, lying upon his table, with the officers standing around him waiting to receive their commissions—the Governor, suddenly smitten by an inexplicable terror, forgetting that the majority of the people of Baltimore were loyal and were around him, and if summoned could support and would support him; forgetting that on Federal Hill the very night before, even after his damaging proclamation of the eighteenth,

when some traitors attempted to raise a secession flag there, the loyal workingmen pulled it down and tore it to tatters, [great applause;] forgetting that these men were within five minutes' walk of where he sat, and that their breasts were such a protection as all the secessionists of Baltimore could not have marched over to assail him; forgetting that the voice of authority can paralyze in its incipient stages civil outbreak; forgetting the great example of which history gives us so many, more especially forgetting the great example of Cardinal Richelieu, when the enemy was almost at the gates of Paris, and the populace of Paris thought it was there through his neglect, and were calling for his blood, the old Cardinal unarmed and without guards, went to the *Hotel de Ville*, in the midst of the excited and infuriated multitude, and besought them to come to his aid and not to his overthrow, and every rebellious arm sank before his patriotic appeal; forgetting great examples like these, the Governor, failing to rise to the height of the occasion, went to the *Hotel de Ville*, and threw himself into the arms of his enemies, and became from that time but their instrument; graced by his presence their disloyal and degrading meeting; stood in their midst whilst they uttered disloyal sentiments; uttered no word of disapprobation when they—the Mayor at their head—falsified events that had occurred under their own eyes that day, and allowed them to treat as an assault on the people of Baltimore the act of self-defence of our fellow-citizens of Massachusetts, against the traitorous assassins that assailed them, without warning, as they marched peacefully on their way for the defence of the Capitol. Then came the calling out of the military, two thirds of them secessionists, under officers many of whom were known then to be traitors, have since signalized their treachery by leaving Maryland in pursuit of military service in the Confederate States. Then it was that here in Baltimore, even strong men's hearts failed them for fear. Then it was that we saw the Chief of Police, and the Commissioners of Police, and Trimble, the "General commanding," [derisive laughter,] and his aids innumerable, and his adjutant-general [continued laughter,] disporting themselves through the streets in gaudy colors, arraying armed men in Monument Square, first their trained volunteers, and then the rabble and the mob not to do their behests, and then arresting the commerce of the port, and then seizing upon the military stores of the United States, and then forbidding the display of the National flag, and then arresting people for spies, cutting off the transit of troops to the capital by breaking up the railway communications, arming steamers to ply in the port to arrest the free transit of Maryland commerce—all these things done by the *Chief of Police* and the *members of the police of Baltimore* and the organized mob—the loyal men informed that their lives were not safe—men insolently warned to leave the city if they would be safe—men thinking that it was "too good news to be true" that the Virginians were coming down to aid us; communication opened;

formal embassies sent up to Harper's Ferry to invite John Letcher's six thousand men to come down and help the Marylanders to be free, [laughter,] and empty cars mysteriously gliding, in spite of the President, for a whole day towards Harper's Ferry—a peace-offering to our Southern brethren ["that's so,"] which might prevent their destroying the road and could not embarrass their march to Baltimore—the correspondence opened with John Letcher for muskets to be put into the hands of our "loyal citizens"—quarrelling between Gen. Steuart and certain members of the Police Board and Mr. Trimble, for the possession of the precious deposit of two thousand arms sent down here from Harper's Ferry to keep the peace—Bradley Johnson, with an "invincible legion" of thirty men, rushing to defend Baltimore against "the Northern hordes," [laughter,]—Marshal Kane making the mountains and the valleys of Virginia and Maryland hideous with his cry for help, which did not come, [great laughter,]—the Vansville Rangers scattered all along the way, forty men full, [renewed laughter,] from Washington to Baltimore to guard the road—"loyal men" from Harford County, in equally overwhelming masses, rushing in to defend Baltimore against "Lincoln's hirelings," [laughter,] all these things are represented by the *intelligent* Northern press as the doings of the *people* of Maryland!

And on Wednesday an election was called [great laughter] and it was supposed that the unanimous voice of "an oppressed people" would signalize this day of their deliverance, and lift Mr. Wallis to those pinnacles of glory that he has all his life sighed for in vain. The day of his advent was come! [Laughter.] His heart beat high upon his bosom. Had he not, on the nineteenth, "assured the meeting that his heart was with the South, and that he was ready to defend Baltimore"? Had he not said that "he hoped the blood of the citizens shed by an invading foe would obliterate all past differences, and seal the covenant of brotherhood among the people"? And had they not taken every possible pains to "obliterate all past differences" by the organizing of three thousand sharp bayonets to argue with the refractory? Was there not, therefore, every reason to suppose that there would be entire unanimity; nay, that these people, trodden down to the earth, trembling before the advent of "fresh hordes," wishing to place the mild and peaceful government of Jefferson Davis between their threatened bosoms and the Northern onslaught, would rush, as one man, to elect these gentlemen, the symbols of Southern sympathy, as their protectors in the day of their distress? The morning of the election came, and one third of the people of Baltimore, under the influence of pressure, and persuasion and delusion, and a little coercion, [laughter,] signified, at an illegal election, that they thought S. Teakle Wallis and his colleagues fit associates for the rest of the majority of the House of Delegates. [Laughter.]

On Thursday morning, when men awoke and walked down the streets, they found that a revolution had occurred, although they did not know

it. Gone was the elastic step, gone was the uplifted eye of insolence, gone was the jeering scoff with which secessionists met Union men, gone was the half menace with which loyal men were met, gone was the nod of fate that told them that their hour was coming. They fell by their victory; they died of their vote; the silence of two thirds of Baltimore stripped the revolutionists of their power, and consigned them to ignominy. [Applause.] Half the votes of a people do not make a revolution! One third may make a rebellion; but two thirds on the spot can put it down; and they felt it. ["That's so!"] Gradually, troops disappeared from Monument Square; gradually, the arms were placed in their armories; gradually, there were fewer and fewer "orders from headquarters," "Trimble commanding," [laughter,] gradually, the steam tug, which constituted the navy of the incipient republic, [laughter,] ceased to send forth its black smoke, and vessels could venture to leave Baltimore without having a pop-gun fired at them, [laughter,] and even the Union men that had been frightened, awoke to the consciousness that where they thought they were slaves, they were masters, and from that day to this there has been nothing in Baltimore to make any man afraid, except one who has violated the laws of the land.

Bradley Johnson was seen almost immediately after that election, having accomplished the purpose of his visit, to return to Frederick; and on the ninth of May, "the defenders of Maryland," "the defenders of Baltimore," the candidates for immortality in the coming revolution, the men who were to fill the places in the niche of history, corresponding to those filled by Williams and Smallwood of the Revolution; those men had tramped way-worn and weary to Frederick, and in that loyal town were guarded by the police through the town on their way to Dixie's land, without any music accompanying. [Laughter.] And Bradley Johnson, with his thirty heroes, not one fallen in conflict with the "Northern invaders," joined them and marched to defend Harper's Ferry!

Now, upon the simple statement of that series of facts, is there any man who needs anything else to be told him to convince him that the outbreak of April was a mob, and not a revolution; that it received importance from the fact that the traitorous authorities attempted to use it for traitorous purposes; and without the firing of a gun, without the approach of a Northern soldier, without the menace of force, without the necessity even of a count of noses, without even the advent of an election in the State, they recognised that their time was come and gone, that they were powerless and in the hands of the civil authorities, that they must gain immunity by good behavior, that Maryland was so loyal that they could not make her even appear to be disloyal; and the arms dropped from their hands, and they began to seek mercy of their traitorous confederates at Frederick, by begging and accepting a bill of indemnity for their criminal acts. Look at the counties! Was there any one of

them that met to pass resolutions approving of what proceeded in Baltimore, or poured forth their thousands to support the revolution? If there was, let some one better versed in the history of the State than I am, name it. If not, how came the whole State, being filled with traitors, (!) to be silent when Richmond was ringing with the joyous acclamations that saluted the narrative of Mr. Henry M. Warfield? How is it that Virginia appreciates our "deliverance" more than we do ourselves? How is it that we can find no tongue to celebrate the glories that they are rejoicing over? Why, gentlemen, not only was there no county that expressed any such approval, but even in St. Mary's, where there are only two hundred and fifty men in the whole county, they were not so deluded as to suppose that they had Maryland in their grasp; and in Cecil, on the twenty-third of April, the people met and passed resolutions such as Cecil has always acted upon, professing not neutrality, as Kentuckians did; not a desire for the removal of "the Northern hordes," not that our soil should not be polluted by any individuals crossing it in arms, but declaring their determination to stand by and maintain the Government of the United States, [applause,] branding as traitors the men who had attempted to gain the reputation of patriots, and themselves leading off in the chorus that swept all round the State in one unbroken jubilee over the failure of the attempted revolution. [Great applause.] And immediately following were the resolutions of Alleghany County, consigning to the halter their representatives in the Legislature, if they should dare to vote for an ordinance of secession; and then followed the resolutions of Washington County, just preceding their great election—itsself held, I believe, on the second or third of May—declaring their unalterable devotion to the Constitution and the Union, and their determination to abide by it always, followed up, two or three days afterwards, by casting two thousand three hundred out of the three thousand eight hundred votes of the county for the Union candidate without opposition. And then followed the great meeting in Frederick; and intermediate here in our midst, all through our wards, when the Legislature ventured to attempt to fix on us a military despotism in the disguise of a bill of public safety, copying the provisions and the spirit of their infernal police law for the city, to fix the yoke on the people of the State, as they fixed that on the neck of the people of this city, our people quietly met in their wards and passed their resolutions, which were followed up in so many of the counties of the State that even the Legislature let drop their infernal machine, and did not venture to put it to a vote. [Applause.]

And where were we, fellow-citizens, all this time, for it was dropped on the second or third of May? In whose power was the capital of the United States at that moment, on the hypothesis of the disloyalty of Maryland? There were six hundred regulars there on the eighteenth of April; there were one thousand Pennsylvanians, wholly without drilling and ununiformed; and that constituted the protection of the capital of the

United States, on the nineteenth of April. On that day, one Massachusetts regiment marched through, its last company only having been assailed. From that day until the twenty-sixth of April, there were no more troops in Washington than I have enumerated. Up to the second of May, they could count only about six thousand troops for the defence of the capital, and there were at that time six thousand at Harper's Ferry, and cars there ready to bring them down, and three thousand men armed in the city of Baltimore.

Suppose the State of Maryland had been as men now impudently say she is, disloyal. I ask in whose power was the capital of the United States? On that supposition, there can be no doubt that it was ours—ours by a march of forty miles, ours as long as we could hold it, it may be as long as the Southern Confederates have held Bull Run. And here gentlemen, I desire to say that it is to the fault of the Confederates themselves, the remarkable lack of that quality which Danton said was the essence of revolution, audacity, *audacity*, *audacity*; it is to their failure in that first and indispensable quality of revolutionary leaders, it is to the absence of that quality that we now owe (be Maryland loyal or disloyal) the possession of the capital of the United States. It was not saved by the promptness of Northern volunteers; it was not saved by the forecast of the Administration, that, during its first month, labored under the delusion that peace and not war was before it; it was not by the forecast of that wretched old dotard, Buchanan, [hisses,] who now mumbles about energy and activity, from his home at Wheatland. It was neither one nor the other; but it was because revolutionists had undertaken the work, without having the quality of revolutionists, that we still hold it and that the glorious emblem of the Republic floats from its dome. [Applause.] Baltimore, so the myth goes by timid creatures in our city, who whisper to people in Washington, and tell their fears for facts, and begrime the reputation of their native city, or spread in still more dangerous form their fancies through the columns of the Northern press, to poison the minds of our fellow-citizens against us, these people would fain repeat that here is the very gate of hell, that its seething and boiling fire bubbles under our feet perpetually, and that nothing keeps it down excepting their sleepless vigilance—fit guardians for such a post!—and "Lincoln's myrmidons." [Great laughter.] Where were these gentlemen that were to keep the peace in Baltimore city, during that awful period from the nineteenth of April to the fourteenth of May?—time enough in the city of Paris, where revolutionists understand their work, to have gone through all the phases of a revolution, installed a new power, tried and beheaded their antagonists, and forgotten the thing as an old event. It was not until the fourteenth of May that General Butler marched into this "disloyal" city, teeming, as we are now taught to believe, with raging revolutionists, requiring ten thousand men more—so say some men of the last generation—to keep them down. Gen. Butler marched one morn-

ing into the southern part of Baltimore, marched up to Federal Hill, comfortably encamped his men in the rain, issued a proclamation, in which he (understanding Baltimore better than those in it who delight to malign it) appealed to and trusted to the loyal men of Baltimore, having come, as he said, with little more than a body-guard, less than one thousand men in a hostile city of two hundred and thirty thousand inhabitants. That was the first appearance of troops here. Now tell me why (if there were the disloyal elements to the extent that is supposed) during all that period nothing had been done. Why was there no array to resist his entrance? Why did it have no other effect excepting that Union men walked down the street and said: "Well, we are afraid it will have the effect of changing some of our weak-kneed brethren." That was the only doubt expressed about it, except that one despairing individual thought that the hill being in the possession of the troops of the United States would frighten all the market-women away, and we should have no lettuce for some time. [Laughter.]

How did the Legislature of Maryland understand the position of affairs in the State? They had prayed and besought to be recalled again into existence. They had died a natural death in March the year previous, having signalized their short power by some events which were to form a remarkable antithesis to events to follow them. They had passed, almost unanimously, a resolution declaring that I, in voting Mr. Pennington into the Speaker's chair of the National House of Representatives, in order to prevent the then incipient revolution, did not represent the people of Maryland. They had ejected the respectable members from the city of Baltimore in the last hour of their session, in order that they might make room for those who were to follow them and be more fit companions for the majority. They had previously passed a Police Law in which they had been careful to provide that "no Black Republican or approver or endorser of the Helper book" should ever be a policeman under that law in the city of Baltimore. [Laughter.] And such is the poetical justice of time and Providence that within a few months past we have seen a man set over the police of Baltimore by a "Black Republican" General, and N. P. Banks's name signed to an order to enforce the law; and some of the gentlemen who passed that law are now appreciating that, although a Black Republican could not be a policeman under their law, he might be a policeman over its authors and commissioners. [Great laughter.]

Thus ends the first act of the Maryland Assembly—more wretched in its character, more ignorant, more unfit for its position, less representing the dignity and the intelligence of the State of Maryland, more begrimed by filthy lucre than any Legislature within my memory. Men supposed that it had been carried to its burial, and buried out of our sight forever, and if not out of our memory, at least out of our grateful recollection; and, doubtless, one great element in the

pertinacity with which the Governor refused to recall the Assembly, was his distinct remembrance of their unfitness for their duty, and his unwillingness that the State should be degraded by their again assembling. [Applause.] But in an evil hour he assembled them. For what? According to the unanimous avowal of those who demanded it, to take the sense of the people of Maryland as to whether they wished to remain in the Union or to go out of it. They met, and an elaborate report was prepared and delivered before that body, making great complaints of divers acts of illegality and oppression that had been perpetrated, within the territory of Maryland, by President Lincoln; but ultimately coming to the conclusion that they were unanimously opposed to the assembling of a convention at that time.

"At the time when the Legislature was called together," says this singular document, "there was certainly but little difference of opinion among its members, of all parties, as to the propriety of speedily adopting measures to secure the objects referred to. Since that time, the rapid and extraordinary development of events, and of the warlike purposes of the Administration, the concentration of large bodies of troops in our midst, and upon our borders, and the actual and threatened military occupation of the State, have naturally enough produced great changes of opinion and feeling among our citizens." [Laughter.] "They have no hesitation in expressing their belief now that there is almost unanimous feeling, in the State, against calling a convention at the present time." [Laughter.] Since when? It goes on to assign the reasons. Now judge:

"To the Committee, the single fact of the military occupation of our soil by the Northern troops in the service of the Government, against the wishes of our people, and the solemn protest of the State Executive, is a sufficient and conclusive reason for postponing the subject to a period when the Federal ban shall be no longer upon us."

It goes on to say: "The Constitution is silenced by the bayonets which surround us; and it is not worth while for us to fancy ourselves beneath its ægis. It would be criminal as well as foolish, to shut our eyes to the fact that we will not be permitted to organize and arm our citizens, let our rights and Constitution be what they may."

That is to say, gentlemen, when there were not troops enough in Washington to defend it; when there were none to be spared from Washington, when there was not a single soldier within the limits of Baltimore, when there were not three or four thousand upon the soil of Maryland all told, these patriots who tell us that the Constitution is silenced, that our rights are trampled down, that we are oppressed, think that these are the very reasons why they should not appeal to the people of Maryland for their own protection! They may be the fit representatives of what is called secession; they certainly are the representatives of that prudence which Maryland secessionists have always substituted for audacity; who will neither appeal to arms or the ballot-box

against oppression, unless the oppressor first stays his hand; but these men are not the representatives of the loyal and free men of Maryland. If affairs were as they represent them, *that* was the time to appeal to the people of Maryland. It matters not whence oppression comes, it matters not in what shape it be presented, it matters not how overwhelming may be its force, when oppression shall unsheathe the sword, I mistake the tone and temper of the people of Maryland if they would stop any more than the men of Lexington and Concord stopped to count their antagonists in 1775. [Applause.] I suppose that it was not the presence of the military which overawed the Legislature of Maryland; it was that they, like the Police Commissioners, like Marshal Kane, and like "Trimble Commanding," [laughter,] and like all his supporters and followers, adjutants and aids, had all found that whilst the people of Maryland were almost unanimously opposed to calling a convention, that unanimity resolved itself into these elements: a small minority of the people wanting the majority to vote with them, but knowing they would not, and therefore not wanting a convention called which would reveal irrefutably their insignificance of numbers, and the overwhelming majority of the people of Maryland, who did not want to be pestered with a vote to put down such wretched revolutionists. [Applause.] Now, am I right, or am I wrong in my estimate of the causes? ["Right."] That was in May.

On the thirteenth of June a congressional election was held, to which both the Mayor and the Governor had referred the people as a fit opportunity to express their devotion to, or their abhorrence of, the Government; and how did they express it? I have already told you that the Washington County men voted four thousand out of five thousand votes for their member of Assembly, and that Cecil County followed up her resolution at a special election by voting three fourths of her vote in favor of it, and that is an index of what the State did. In the great upper district, there was no opposition. In Mr. Webster's district there was no opposition. In the district now represented by Mr. Crisfield there was a candidate for peace, who attempted to oppose him. A peace man opposed Mr. Leary. A Union man, with Southern sympathies, claimed and received the suffrages of the fourth district. There was but one avowed secessionist throughout the State of Maryland that ventured to ask a vote, and that was in Mr. Calvert's district, and for the first time in many years one not a Democrat carried the district. [Applause.] How did the voting foot up throughout the whole State? If you give to the secessionists every vote not cast, making no allowance for lukewarm men, no allowance for the doubtful, hesitating, floating vote that had not made up its mind whether it would be for or against the Government, the conditional men, all the people who are on this side to-day and on that side to-morrow, or all the time on both sides, [laughter,] separating all those men, and giving them to the secession side of the

question, the Union men of Maryland at that election, with no opposition in two of the districts, and no avowed opposition upon secession grounds anywhere, excepting in one of the districts, cast a great majority of the whole vote of the State. [Great applause.] And, gentlemen, for whom? Not for men who are pledged to shun responsibilities, to avoid votes, to let the Government bleed to death if need be, to talk about neutrality in Maryland, to join the Governor in opposing the transit of Northern troops, but men pledged before their constituents, pledged before the conventions that nominated them, pledged in every way that can bind honorable men, to vote every man that the Government should demand, and any amount of money that the Government should say was needed. Not for the purpose of making peace, not for the purpose of holding out the olive branch, not for the purpose of making treaties with traitors, but to disperse them by arms. [Tremendous cheering.]

What followed? The arrest of Kane. [A voice — "They ought to hang him." Cheers.] They left him in power till after the election. Secessionists who were so fond of the truth cannot say that they were frightened and coerced in the election! It was wise to do so. They fortunately have no excuse of that kind, because at the time of the election there were soldiers at Baltimore, and soldiers nowhere else, and it was only in Baltimore that they were partially successful. But after that was taken out of their mouths, Kane was arrested; and that was *one* great outrage, [laughter,] and then the loyal Commissioners, who protested their loyalty, and supposed that other people had memories as short as their own, and had forgotten their acts of war from the nineteenth to the twenty-fourth of April — these gentlemen, in the interest of "Peace and Order," when Gov. Banks, with wise discrimination, had stopped at arresting one mischievous man in the hope that other mischievous men, taking warning, would be peaceable — they, in the interest of peace and order, or possibly hoping that a great city, swarming with bad men, in the period of a great revolution, and with a great deal of revolutionary blood floating through the Irish of the Eighth Ward, [laughter,] these stalwart reformers, and friends of peace and good government, supposing that all these elements, with no police, would be much more quiet than when they were aggravated into resistance by a police on their side, — they told their policemen that they had no further use for them at that time; they should continue to draw their pay, but they were not expected to do any duty. [Laughter.] Gen. Banks, being a practical man, interpreted "no duty" to be any duty that they might see fit to do; and as they had some training in military matters, and had shown themselves pretty good instruments to begin a revolution, though their masters did not prove so good leaders in it after it was started, came to the very natural conclusion that possibly a vagrant police with nothing to do, with masters equally idle, might find something to do; and he took care of the masters,

and that was another great and unspeakable "outrage." [Laughter.] A howl of indignation arose to the pitying Heavens against the "outrage" of arresting men who only opened the door to civil discord in a city of two hundred and fifty thousand inhabitants. Every principle of American liberty was appealed to, to insure traitors liberty for mischief; and they wrote their appeal to the Legislature, and their appeal to the Legislature found a fitting advocate in the gentleman whose name I have had occasion so often to refer to. A long, elaborate, insidious and disingenuous report was, after a while, brought forward, in which all the history of the Government was read backwards; all the arts of special pleading were applied to the misconstruction of the Constitution; rash assertions as to the history of the Convention were strewn all through it; and we were called upon to believe that George Washington had framed and recommended the adoption of a Constitution, which would be very good if everybody would obey it, but would be very worthless if anybody should say he did not wish to obey it, and that George Washington and the other wise men who surrounded him in the Convention, having provided on the face of the Convention for the suppression of insurrection, and declared that *every* law of a State should be in subordination to the supreme law of the land, the Constitution and the laws of Congress made in pursuance of it, had yet left open this great, wide passage-way for all the evils that they had attempted to exclude, by excepting from that subordination that law which should annul the whole Constitution; that case in which a faction should get possession of the authorities of a State, should put their treason in the shape of law, array armies for its defence, and defy the Government. I have no doubt that the author of that report is a respectable lawyer, within a narrow sphere, and I think that those who read the report will come to the conclusion that he has, like a wise lawyer, confined his studies to his department. [Laughter.]

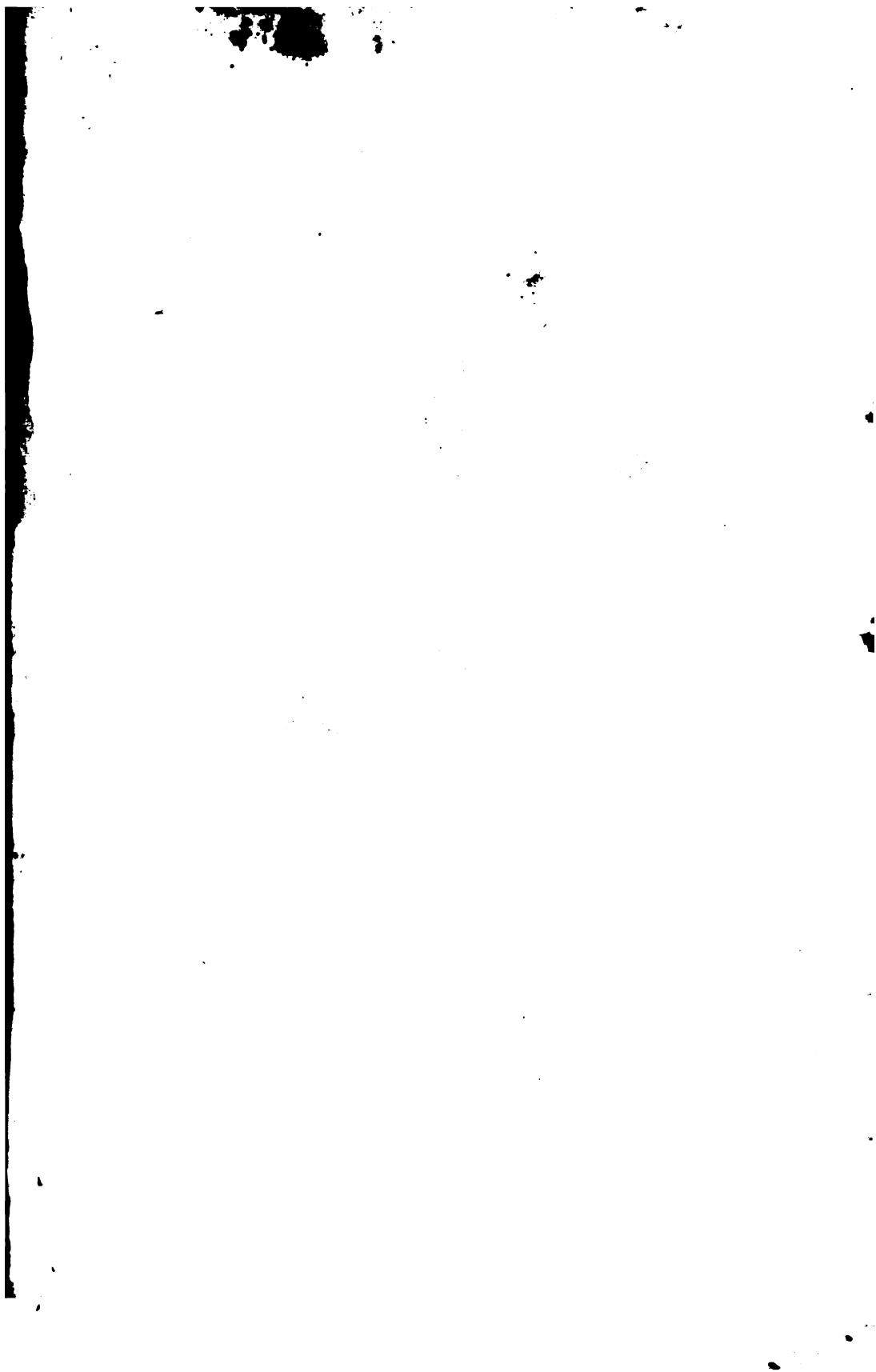
That Legislature raised the awful question as to whether the Government of the United States could arrest men in arms against its authority! [Laughter.] They did not venture to reorganize the militia of the State. They found that it was dangerous. They could pass laws of indemnity for men who had been guilty of treason, as if an act of indemnity by the State of Maryland would bar an indictment in the United States Court; but that was out of their line of practice. [Laughter.] They thought they could debauch the minds of the people, a law-abiding and law-loving people, habituated to see the law enforced only through the tribunals, by the sheriff, the judgment of the court, the constable—unaccustomed to the short and sharp methods of military suppression equally constitutional against armed insurrection. They seized every opportunity to mislead the people of Maryland into the supposition that their rights were violated whenever the paramount law of the safety of the Republic, embodied in that clause of the Consti-

tution which authorizes Congress to call forth the militia to suppress insurrection, was required to be acted upon in lieu of the ordinary methods of enforcing the law through the judicial tribunals; and they attempted to delude and excite the people of Maryland, by representing that as a violation of the fundamental law. The people of Maryland were not so ignorant as the majority of the Legislature, and understood the construction of their fathers better than the gentlemen of the secession school. They understood that just as the Legislature can take land against the will of the owner for the purpose of making a railway or other public improvement, so the United States can seize railways when necessary for the transportation of troops, so they can occupy sites for fortifications, and when men are in arms against the Government, they can arrest them without process, just as when they see them in serried ranks opposed to them in the open field they can shoot them down without having inquired by a jury, whether they be traitors or loyal men. All their machinations fell harmless before the people of Maryland; and adjourning from day to day, finally the fatal hour met the Maryland Legislature. It seemed likely to break the law of all things mortal and sit forever, when the Administration, impelled by unfounded fear of mischief at their hands, silenced their harmless chattering by taking away their heads, and leaving their tails to writhe.

The people of Maryland saw with indifference or delight their dispersion, yet wondered at the importance attached to them. On the policy or legality of that measure I shall at present say nothing.

Now, gentlemen, that is the history of secession in Maryland; it is the whole history; it is the close of the history. [Applause.] It is going to let the election this fall go by default and by confession. It did not venture to nominate a man in this city the other day; it will not press the election of its candidate for Governor in November; it will have no contestants for the House of Delegates in one half the counties of the State; it will make no contest for the Senate except in two or three counties which are doubtful, and there only for the purpose of holding a veto on the Union men in the Legislature; and it is that we are specially bound to take care of. But secession as an active, dangerous and agitating element, I say, now lies writhing in its last agonies in Maryland. [Great applause.] I do not doubt that very nearly one third of the people of the State are disloyal—not that they will take up arms on the secession side, but they will not take up arms on the Union side; they are disloyal. In my judgment, that is a very large estimate of the strength of the secession faction in Maryland this day. It has found the limits of its power; the nature of the beast is the same, only it has been deprived of its fangs; it can now do nothing but mumble false prophecies about the coming of Jefferson Davis, and pray him not to falsify their predictions.

Maryland has been true in heart thus far.





Col. ELMER E. ELLSWORTH.

Fire Zouaves, N.Y. S. V.

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Col. ELMER E. ELLSWORTH.

Fire Zouaves, N.Y. S.V.

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She has not furnished her quota of troops to put down the rebellion within or without Maryland. That is partly her fault; chiefly the fault of her Governor, who paralyzed the energies of her citizens when they were ready to respond to the first call of the Government. But those charged with military affairs at Washington are not without their share of responsibility; for when the Governor refused to call forth the contingent of Maryland, and when the law was pointed out to them under which they could send their orders to any officer of the militia, and the names of officers holding commissions and ready to obey the orders of the Government were laid before them, and the President had drawn in blank the order and directed it to be sent to the Secretary of War, it rested on his table unacted on. When subsequently, after the fourteenth of May, the Governor determined conditionally to call forth the contingent of Maryland, and officers went to Washington and offered themselves ready to respond to the orders of the Government, the War Department declined to receive them first under the call for men for three months, and when Gen. Kenly offered, himself, to call forth his brigade if it would be accepted as a brigade for the war, that also was declined. [Applause.] It was quite apparent that the Department felt small confidence in the Union men of Maryland, and were not at pains to conceal their indifference touching their aid. After that, it was not to be supposed that others would be in a hurry to receive such a rebuff. These doubts of our loyalty were inspired by persons apparently, who know nothing of Maryland or of its men, who have not the confidence of its people, and are unknown in its affairs, have constituted themselves the chief advisers at Washington with reference to Maryland affairs. These things are undoubtedly deplorable. We suffer, our reputation suffers by the conduct of the Administration towards the State, throughout the whole country at this time. It is our misfortune to have such citizens; it is the fault of the Government to listen to their counsels. [Great applause.]

We have labored under peculiar disadvantages, in common with all the central slave States. The peculiarity of the present crisis is, the wonderful activity and energy of the people and the State authorities contrasted with the relative inactivity of the Central Government. In the free States the governments have been loyal, and they have organized and aided the enthusiasm of the volunteers. The central slave States betrayed or deserted by their State Governments, have been abandoned by the National Government almost to their unaided resources—disarmed, unorganized, half defended.

But, gentlemen, a different state of affairs, I believe, now exists. I think now the ear of power is open to wiser counsels touching the military policy to be pursued in Maryland, and, I trust, in the central slave States generally. I know that now they listen to and act upon the representations of my friend, Mr. Purnell. [Applause.] I know that they now listen to Gover-

nor Thomas, of the Upper District. [Renewed applause.] I know that they listen to the appeals of Mr. Wallace, of Cambridge. [Continued applause.] I know that now they listen to the suggestions of Mr. Dodge, the Chief of Police. [Great applause.] I know that whilst for long months they refused to arm our Home Guard, even at the solicitations of Gen. Banks, repeatedly pressed, at length they have come to think that it is perhaps a part of the duty of the Government, in dealing with a great rebellion, to inquire for, and to organize and arm loyal men for their own defence in disturbed districts; and now we have the Purnell legion forming at Pikesville, Gov. Thomas's brigade forming in the upper portion of the State, several regiments organizing around the city, two already in the service of the Government, others forming in the lower part of the State; and, in my judgment, so soon as the people shall, in November, have elected a Governor and a Legislature that will do for the people of Maryland, what everywhere has been done by the Legislatures of our brethren in the North for their volunteers, give them the aid and countenance and pecuniary assistance of the State, and the outfit that is necessary to facilitate enlistments, that Maryland will stand in this contest as she has always stood in every other contest, not lagging behind her brethren, but struggling with them for the foremost rank where glory is to be won. [Great applause.]

If I may be allowed to criticise the conduct of an Administration which I did not help to make, but which I rejoice was formed—for John Bell is a traitor—and for whose success I am more earnestly anxious than for any that has wielded power in my day, [applause,]—an Administration which, weak or strong, is the last and only hope of the American people, which must be supported let whatever else may fall, [great applause,] in spite of the contempt with which it has treated the people of Maryland, in spite of that lack of magnanimous wisdom which would have taught it not to overlook the great body of the Central States in high civil and military appointments—however much these things may grate upon our feelings, however much they may tend to dampen the spirits and slacken the energy of our people, however much the Administration may find too late that it has weakened its power, however much already they may have expanded the theatre of war and advanced the frontier of the fight nearer to the national capital—just in proportion as these disastrous consequences have followed for that great error in point of public policy, just by so much the more earnest motives are we, men of Maryland, called on to forget the past, to obliterate its bitter recollections, to forbid anything like pride to arise in our gorges, to put down at the bidding of patriotism every ill spirit that would paralyze our arms, and forgetting the past, rush forward to the future and take our revenge of those who have slighted us by heaping the coals of fire of repentance upon their heads. [Great applause.]

That the Administration chose to constitute

itself on a strictly party basis in its higher department, is not a just subject of complaint—especially after the President had tendered to Mr. Gilmer, of North-Carolina, a place in his Cabinet, which he declined.

But it is a matter of complaint that the importance of securing support, organizing friends, arming loyal citizens in the great central slave States was so gravely underrated—and while the other departments are filled with men equal to their respective duties, it is a matter of great regret that those departments chiefly and directly charged with the military policy of the Administration have fallen below the requirements of the times. They spent one month of precious time before apparently they took one step to meet the storm that was blackening the whole heavens before them. Then, while yet war was afar, ere Tennessee had yielded to the gentle pressure of the Southern bayonet, whilst yet Missouri was free from armed invasion, ere secession had grown to rebellion in Kentucky, they let pass the golden opportunity of feeling their way through these great States, and finding friends over that great region. They left the friends of the Union not only unable to fight its battles, but unable to defend themselves. They left a majority of the people of Tennessee to be borne down by violence from abroad, and to be disheartened by the desertion of the National Government. They allowed disaffection to spread in Kentucky until Kentucky, in spite of her overwhelming Union majority, hung trembling in the balance, and was driven to repel invasion from her soil. They left Missouri without the aid of additional soldiers, and her own Home Guard only half armed, until she was nearly overrun. They left Maryland without a musket in the hand of one of her sons for four dangerous months after they were in power. Had they sought, as a wise policy would have dictated, friends in the midst of the doubtful States, they could have saved Tennessee; they could have commenced the war upon the northern borders of Alabama and of Georgia, where we know the partisans of the Government, though now silenced, swarm by the thousands; they could have held possession of the great central nucleus of the Alleghany mountains filled with its freemen ready to descend in every direction upon the plains below, carrying with them the emblem of hope and peace to our oppressed brethren in the cotton districts. Had Maryland been properly armed, had her citizens been called out, had even that despised contingent of the three months men been accepted, they might not now have been confined to one railway for all their Western communications; the loyal part of Virginia might have crossed the Alleghany mountains and stretched to the Blue Ridge. The whole face and aspect of the war would have been changed by timely attention to the first elements of success in dealing with an insurrection—to find out the men on the spot, in the disturbed district, as near as possible to the focus of the rebellion, who are there interested in putting out

the flames, and give them at least an opportunity of aiding in their own defence. The event of Bull Run has, I think, made the Administration sadder and wiser men. They possibly have reflected that there the despised Maryland contingent might have turned that tide of battle, for it was just four thousand men that converted a victory into a defeat when brought against our exhausted brethren, borne down by the heat of that day's conflict. They have now begun—begun in earnest—I trust begun successfully—[applause]—to organize the men of the great central slave States, who to them are an element of untold power. Equally brave with their Northern brethren, they are a thousand times more interested in suppressing the rebellion, for it touches their homes, their hearths, their lives. Massachusetts has her pride in the Republic. So have Maryland, and Kentucky, and Tennessee, and Missouri, and Delaware. Massachusetts has her interest in the cotton region. So has Maryland, as well as her interest in her own fields. But beyond all that, we of the central slave States have our liberty at stake; if we fail, we are a conquered people; we pass from the glories of the American Republic to be the suspected, watched and chained subjects of a power we abhor, and which hates us.

Having already traced the position of Maryland, I need now but point your eyes for inspiration to the present condition of Kentucky. Betrayed by her treacherous Governor, placed in the disloyal attitude of neutrality by her last Legislature, invaded by an armed force from Tennessee, deserted or assailed by such men as Breckinridge and his associates, she has, as one man almost, through her present Legislature proclaimed her readiness to do her duty. When her energy was quickened into activity by actual invasion, then her Legislature met, made a loan for two millions of dollars, called out forty thousand volunteers; and then, as if to cover with contumely the men who speak only of "our Southern brethren," they passed, by overwhelming majorities, that touching vote of thanks to the men of Indiana, Ohio, and Illinois, who came rushing in arms ("Black Republicans" and "Lincoln's myrmidons" as they are) to protect Kentucky against her Southern brethren. [Applause.]

And there is Missouri, neglected by the War Department, defended by her half armed and half organized sons until they were decimated by superior numbers, and the gallant Lyon fell a sacrifice to his unsupported heroism; and then, when they came to rest on the support of the Government of the United States, two thirds of their State was overrun, and a large body of troops and Home Guards captured right on the great highway of the Missouri River for lack of timely support.

It is in vain to enquire who is responsible for such disasters—the War Department, charged with organizing the force, or the military officer commissioned to lead them; it lies between them, and this country will hold both responsible. I fear that the man to whom the destinies of Mis-

Missouri are committed, is fitter to issue proclamations violating every principle of the law of the land, and looking only to one purpose—his political elevation—than he is either to organize a force to repel invasion, or it may be to lead it after it is organized. He is not able (such is the last account) to move yet over ground where Lyon moved with none but Missourians at his back, [applause;] not able yet to move because of lack of transportation, surrounded by loyal people and by loyal States; not able to move for lack of subsistence, in the very midst of the great granary of the United States. No man can believe, if these things be true, that a heavy debt of responsibility does not rest at somebody's door to be answered for at some not very distant day. I feel for the men of Missouri, for they have not lain supinely down and waited to be defended; but they have been overborne; I say they are entitled to look to the Government, not merely for willing troops, they have been furnished by the thousand with that spontaneous enthusiasm which finds no equal in the history of the world, they are entitled to a leader who will not lack transportation, nor food, nor means to reach the enemy. [Applause.] Instead, they have a man who publishes gasconading proclamations, fitter for an European despot than an American officer, such as, "I do hereby extend, and declare established, martial law throughout the State of Missouri," two thirds of it in the possession of the armed rebels; "the lines of the army of occupation in this State are, for the present, declared to extend from Leavenworth, by way of the posts of Jefferson City, Rolla, and Ironton, to Cape Girardeau on the Mississippi River," within which they took Lexington from him the other day; and then followed by the *brutum fulmen* of a threat at the bottom: "All persons who shall be taken with arms in their hands within these lines shall be tried by court-martial, and, if found guilty, will be shot"—in the face of the solemn provision of the American Constitution that no man, out of the military service, can be condemned, except by a jury of his peers before a court of the State or district in which the crime was committed, with an indictment and evidence, and the right to have counsel and all the precious guards of the common law thrown around to protect his life. He is to be tried and shot at the will of Gen. Fremont, and whoever he may see fit to appoint to try him over a drumhead court-martial. It received its fit reward in having the very country over which he usurped despotic power, swept from beneath him. And then, of course, it was impossible for a man who has high political as well as military aspirations, to overlook in this agitation the negro question as an element of popularity, and thereupon we have this lord and master of the free people of Missouri, dealing thus with their property: "The property, real and personal, of all persons in the State of Missouri, who shall take up arms against the United States, and who shall be directly proven to have taken active part with their enemies in the field, is declared to be confiscated to the pub-

lic use, and their slaves, if any they have, are hereby declared free."

The President, with a straightforward honesty that has marked his every act, seized the earliest opportunity to rebuke that usurpation of illegal authority. I only regret that he did not go further, and mark, with his disapprobation, that clause declaring martial law, and that he did not punish the usurpation by revoking the commission of the officer who, charged with high and responsible command in the midst of a slave State, gave the enemies of the Government so serious a ground on which to impeach their policy, and who treated the representatives of the people with so much contempt as, in the face of the very law which they had passed scarcely one month before, declaring exactly how the property of rebels should be dealt with, dared thus flagrantly to usurp legislative powers, and deal out wholesale confiscation and emancipation, as if he were above all law. I think that the interests of the people of Missouri would be safer if we had some one who could be content with high military command, without playing the dictator, who would confine himself to marshalling his hosts, removing armed opposition, vindicating the authority of the Government, and, like George Washington, be content to obey the laws, and not either violate them or attempt to make them. [Applause.]

Gentlemen, I have detained you already too long, ["Go on,"] and I have only one or two observations further to submit to you. The policy of the Administration and Congress in dealing with this rebellion, has been eminently liberal. The policy of the people in the rebellious States has been eminently illiberal and barbarous. The men who pass along our streets and talk about oppression, are careful never to refer to the enactments of the Southern usurping Legislature; they never refer to that law which authorizes and directs the President of the Confederate States to imprison every alien enemy, meaning *our* fellow-citizens—which banishes every citizen of the United States who will not acknowledge their authority, which sequesters every cent's worth of property of every man living in any of the Northern States, which dooms to the halter, or to exile, or imprisonment, every resident who, however peaceable, refused to acknowledge their usurping domination. Were we to apply that rule to the gentlemen who insult our moderation, how quickly should we in Baltimore be freed from the scowling looks, and the averted glances, and the insolent tones, and the menaces of retaliation that meet us every day and everywhere. How different, gentlemen, is the policy of the Government of the United States. It confiscates nobody's property, even although taken in arms against the Government. Fremont's proclamation presumed, in the face of the act of Congress, to do that. The law had forbidden it; the law condemns only property which has been used for rebellious purposes; it sets free only slaves that have been used to prosecute the war; it confiscates only property that has been used in the course of commerce between the rebellious States

and the loyal States; and there it stops; it lays hold of the thing that sins; it confiscates nothing beyond; it leaves the estates of the gentlemen who have left Maryland to wage war against their native State, untouched by the law of confiscation; it leaves the negroes, however powerful an element they might be made of embarrassment in the slaveholding States, untouched, save where their masters have first used them to aid in breaking down the authority of the United States. Moderation, liberality is everywhere manifested by the Government of the United States, just as vengeance, illiberality, a disposition to grasp and seize everything within their power, to strip honest, innocent people, widows and children not less than men in arms, of their last support, even of the money that was confided to the faith of their State by being invested in their public securities. Gentlemen, that is the liberality, the respect for property, that these people show towards our fellow-citizens. It may be the foundation of a serious appeal for more stringent measures if events do not speedily render them unnecessary. [Applause.]

Gentlemen, there is nothing of such hopeful augury as the moderation of the United States in dealing with this great rebellion; and on that one subject of the freedom of the slave, tempting as it is to political aspirants, tempting as it is to men who wish a short method of dealing with a great rebellion, those in power have felt the responsibilities of power, and know that they are wielding power only to support the laws. They know that they are just as much bound to protect that property as any other property, and that no citizen's property can be taken at the will of the Government otherwise than according to law and the Constitution. Only ignorant fanatics prate about decrees of emancipation. Therefore it is that everywhere wherever the arms of the United States have penetrated any of the slaveholding States, you have found no servile rebellion following their ranks or breaking out to meet them. A few stragglers find their way into the camps, a few seek protection, a few seize the opportunity of running away from their masters; but anything like a servile insurrection has not been heard of anywhere in the presence of the army of the United States. That is the short reply to every imputation upon the faith of the Government. [Applause.]

But the great question remains: Can the Government succeed in maintaining its authority? ["Yes."] That question events alone can answer. In my judgment, if the wisdom which wields the power be only equal to the enthusiasm, the devotion, the liberality, with which the people and the States have lavished men and money in the cause of the Republic, then there is no doubt as to what the result will be. [Applause.] It may be that here now, as heretofore in the history of the world, a great cause may fail in the field for lack of great ability to guide it in the proper departments of the Cabinet. We humbly and earnestly trust that that will not be the case. Rashness has already been punished; disregard of high

military advice has already met humiliation; humiliation has probably brought forth repentance, and repentance is the beginning of wisdom. I have reason to believe that hereafter military questions will be left to military men; and military men, with heads upon their shoulders, will be allowed to organize and direct the military power of the United States. [Great applause.] I know, fellow-citizens, that great changes have been wrought lately in both the military departments. Up to this time the blockade has been a mockery; the Secretary of the Navy, after six months' experience, has found it out, and there has been there a change. He has found out that age and decrepitude are not indispensable for command, and that Southern birth and residence are not disqualifications. Maryland and Delaware have been honored by high and responsible commands in the persons of Goldsborough and Du Pont, who are about to sail from our ports with great expeditions under their charge—already too long delayed—but, in their hands, sure to prove fruitful of high enterprise and great results. [Applause.]

The wisdom of their selections redeems many of the delays and blunders which have led to them. The Administration have shown no greater knowledge of men, no greater determination to subordinate unjust suspicions to the necessities of the public service and sound policy, than when from the bosom of two slaveholding States they selected the leaders of these great expeditions, which, uniting under the same command officers of high merit from Massachusetts and South-Carolina, together with men from the slave and men from the free States, fitly represent the unity of the national power whose banner they are charged to restore on the Atlantic coast. [Great applause.]

The War Department has been taught by the misfortune of Bull Run—which has broken no power, nor any spirit; which bowed no State, nor made any heart falter; which was felt as a humiliation, and which strong men's nerves to retrieve in—that has brought forth wisdom. They now know, if they did not know before, that a half equipped army is not fit to deal with the desperate powers arrayed against the Government. They now know that equality of forces is not a becoming proportion for a Government in the face of a rebellion it is about to suppress; it looks too much like a struggle between a strong government and a weak one. They know now that it requires military knowledge to lead a host; that it requires months to convert a crowd into an army; that without artillery a modern army is nothing, and that without cavalry it is a bird without wings; that without the means of following up a victory, victory is worthless. They now know that victory at Bull Run would have been disaster and not success; that had they beaten the enemy finally, as they had beaten actually from the field at one period in the day the Confederate forces, they could not have followed up the victory; that if they had attempted to follow it up, they would have found themselves in the midst of Virginia with an army melting like snow beneath the sun; that the three months' volunteers, as their terms

of enlistment expired, would have left a remnant in the centre of Virginia to be a prey for the rebels' swollen power. How earnestly true was the exhortation of the great military leader and adviser of the Administration, appears by this—that Bull Run having been fought upon the twentieth of July, the army of the United States, under a commander of relentless activity and energy, and of ability equal to the highest in the army, is still drilling, going through its parades, being organized, waiting for its material of war, within five miles of the city of Washington. All that they gained by the battle of Bull Run was that, instead of being able to march in October, as Winfield Scott told them they would if they let him alone and did not push him on before he was ready to go; they are not yet ready, and we are past the middle of October itself, and probably will not be ready before November. But, gentlemen, when that movement takes place, it will be no array of straggling regiments hunting up a commander over a vast field of battle, [laughter,] it will be no disorganized body of regiments never bound together in a brigade, and which hardly saw their commander's or their companion's face until the day of battle; but it will be the best men of the American people, as good, ay better than ever faced an enemy in the same numbers before, [applause,] accustomed to all the evolutions of modern warfare, having profound confidence in their young and brilliant leader, [great applause,] accustomed by continual reconnaissances and skirmishes to meet the enemy in arms and learn what battle is, blended into that compound of steel and fire which makes an army ready to be launched, like one of God's bolts, upon the enemies of the country. [Great applause.] We may fail again, for war is a game of blended skill and chance, whose determination is with the Most High, [applause;] but I earnestly trust and believe we shall not fail. The activity and energy with which those in power are now endeavoring to second the efforts of military men to organize a force before encountering the chances of defeat, are of good augury for the Republic.

When the banner once more points forward, it will proudly advance until the rejoicing soldier shall, like Xenophon's Greeks at the aspect of the Euxine, after their weary march, greet with the cry of "the sea," "the sea," the glancing waves of the Gulf of Mexico, [applause;] penetrating at more than one point, armies of deliverance shall march not to subjugate, but to free; not to violate any law of the land, but to enforce them all; to put down rebellion and its armed insolence; to restore to loyal hearts the security that for long months they have not known; to restore the ancient boundaries of the Republic; to wipe out from the escutcheon of the nation, the stain of our failing arms; to restore our reputation before the nations of the world; to teach men that liberty is not a mockery, and a Republic is not another name for feebleness or anarchy, to teach the jeering tyrants of the Old World that their day is not come yet; to let them know that

the Bulwer Lyttons can prophesy in vain, and see false visions in their hopes of the overthrow of the great rival of England, and that Alison does not comprehend the greatness of this people, nor the peculiarity of their genius, when he indites puerile epistles about an established church, and a limited monarchy for the free men of America. [Laughter and applause.]

Gentlemen, we do not want the assistance of the people across the water. We do not fear their hostility. We shall be glad of their good will: we will not mourn if it is withdrawn. We know that we owe them nothing but good will, and that we are ready to reciprocate. It is our duty to take care of ourselves. We mean to be fully up to that duty. We rely upon their interests, and not upon their love, to let us alone. We know that the South is disappointed in the expectation of having the blockade broken, merely because John Bull counted the cost, and found that a war with the United States would cost more than the Southern cotton would pay for. We know very well that Louis Napoleon prefers not to pick any quarrel with this country, among other reasons because the navy of England overmatches his own, and sees the time when possibly the sailors of America may be needed to balance the power of England. [Applause.] We know that whilst one interest would prompt him to embarrass—another, a greater, a near one—compels him to let us alone; for he is surrounded by revolutionary fires, stifled but not extinct, and if he turns from home he may find that "fire in the rear" uncomfortably girding his revolutionary throne. [Laughter.] There is some sympathy, strange to say, and it has more than once been manifested, by the great despot of Russia, for this great democracy. They seem to have a kindred feeling in their youth, their newness, their growing strength, their freedom from most of the embarrassments of other governments, and the boundless regions of space that invite them to expand their empire. They feel that to them belongs the future, however different the form of empire; and although we may seek our advancement in different methods and in different forms, yet each, in his appropriate sphere, in his appointed time, in his own way, is working out the great problem of human destiny—we of human freedom on this side the Atlantic, he of human civilisation among the half-civilized men of Asia.

But while we accept the courtesy of the autocrat's good wishes, we trust nothing to his good will; our fate is in our hands; on them alone we must rely. There is now no prospect of foreign intrusion, but no man can tell what a day may bring forth. We shall, I think, meet with no disturbance from beyond the Atlantic at present. To-morrow it may suit the policy of England, or France, or Russia, to fling their sword into the scale of our destinies, and that might decide them. Now is the time, at once, without delay, unitedly for us here in Maryland, as well as those in Kentucky and those in Missouri, with our brethren in the North, to scatter and destroy at one blow the armed array of our enemies, ere delay consolidates

their power, or foreign complication embarrass our arms. We must not merely defeat, we must destroy the army before Washington. That will break the military power of the rebellion, and whenever the sword shall be stricken from the hand which lifted it against the Union, the terrors of despotic power will vanish from the land, and grateful eyes will turn in tears to greet the unforgotten banner of the Republic.

Doc. 27.

BATTLE OF CARNIFEX FERRY, VA.*

REPORT OF GEN. JOHN B. FLOYD, C.S.A.

HEADQUARTERS ARMY OF KANAWHA, {
CAMP ON THE ROAD, Sept. 12, 1861. }

Hon. L. P. Walker, Secretary of War :

SIR: Information had reached me for some number of days, that a heavy force was advancing toward my position, from the direction of Clarksburg, in the northwestern part of the State. As these rumors became certainty, I made an effort to strengthen myself, first, by reinforcements, and secondly, by intrenchments sufficient to withstand the very large force of the enemy. My orders to Gen. Wise I send you copies of, and also copies of his reply.

I failed in procuring reinforcements, but succeeded somewhat better in the construction of a temporary breastwork. At three o'clock in the evening of the tenth of September, the enemy, under the command of Gen. Rosecrans, (as we learned through prisoners,) of whose advance I was fully aware, at the head of ten regiments, made his appearance before our entrenchments, when the battle instantly commenced. Our lines were necessarily very extended, for the purpose of protecting our position, and when manned, left not one man for reserve. The assault was made with spirit and determination, with small arms, grape and round shot, from howitzers and rifled cannon. There was scarcely an intermission in the conflict, until night put an end to the firing. The enemy's force is estimated certainly between eight and nine thousand men, whilst our force engaged was less than two thousand.

Upon the close of the contest for the night, I discovered that it was only a question of time when we should be compelled to yield to the superiority of numbers. I therefore determined at once to recross the Gauley River, and take position upon the left bank, which I accomplished without the loss of a gun, or any accident whatever. Our loss, strange to say, after a continued firing upon us by cannon and small arms, for nearly four hours, was only twenty men wounded. The loss of the enemy we had no means of accurately estimating, but we are satisfied from reports of prisoners, and other sources of information, was very heavy. We repulsed them in five distinct and successive assaults, and at nightfall had crippled them to such an extent, that they

were in no condition whatever to molest us in our passage across the river. I will only say, that our men, without distinction, behaved with the greatest coolness, determination, and presence of mind; and while it is impossible to give praise to one portion of the force engaged over another, it is but proper to say that the artillery behaved with the greatest bravery and efficiency; that under the command of Capt. Guy, who had reached me only two days before, and were for the first time under fire, behaved themselves in a manner worthy of all praise.

I am very confident that I could have beaten the enemy, and have marched directly to the Valley of Kanawha, if the reinforcements from Gen. Wise's column had come up when ordered, and the regiments from North-Carolina and Georgia could have reached me before the close of the second day's conflict. I cannot express the regret which I feel at the necessity, over which I had no control, which required that I should recross the river. I am confident that I should have commanded the services of five thousand men, instead of eighteen hundred, which I had, I could have opened the road directly into the Valley of the Kanawha.

It would seem now as if the object so nearly accomplished, can only be obtained by an advance upon the enemy, by the left bank of the Kanawha River, with a sufficient force at any time to give him battle. This force, if possible, ought to be collected from Tennessee and Kentucky. Their close correspondence shows distinctly enough the urgent necessity of so shaping the command in the Valley of the Kanawha, as to ensure in the future that unity of action upon which alone can rest any hope of success in military matters.

I have not thought proper to take any other notice of these transactions, than to bring them to the notice of the President and Secretary of the Confederate States. The reasons which have induced me to take this course, I am sure, will not be misunderstood by either.

I apprehend the course the enemy proposes to pursue is to carry out the plans indicated by Gen. Rosecrans to Gen. Tyler, for the invasion of the interior of the State and the seizure of Lewisburg, set forth in the intercepted letter of the latter, a month ago. To prevent this, I am in command of an actual force of four thousand two hundred men. This force will be required to oppose the advance of Gens. Cox and Rosecrans, with all their forces, as they undoubtedly will, of at least twelve thousand men. This disparity in numbers is too great, although I will certainly give battle to the invading army at some strong point in the mountain-passes, such as I may hope will equalize, to some extent, our numbers. This may occur within the next few days; but should it be deferred for any length of time, I hope the department will find itself to strengthen us with reinforcements. In the mean time, should General Lee attack and repulse the enemy at Rich Mountain, I will hold myself in position to fall upon his

* See page 38, Docs., Vol. III.

flank or rear, as circumstances may allow, or my force authorize.

I have the honor to be, with respect,
Your obedient servant.

[This is signed by Adj. Peters, because an injury prevents my holding a pen.]

JOHN B. FLOYD,

Brig.-Gen. Commanding Army of Kanawha.

By WILLIAM E. PETERS,
Acting Adjutant-General, Floyd's Brigade.

—*Richmond Examiner*, February 11, 1862.

Doc. 28.

"PERSONAL LIBERTY LAWS."

LETTER FROM CHARLES D. DRAKE.

ST. LOUIS, April 11, 1861.

Hon. William A. Hall, Randolph County, Missouri :

DEAR SIR : I have just received your note of sixth instant, in which you state that "the secessionists make more capital out of their exaggerations of the enormities of the Personal Liberty Laws of the free States than all other subjects together;" and suggest that I could "do great service to the cause of the Union by giving a summary of the provisions of those laws." I respond at once and cheerfully to your request. The cause of the UNION is my cause, my children's cause, my country's cause, freedom's cause; and I have never seen the moment when I was not ready to do any service in my power, great or small, for it.

As to the Personal Liberty laws, while I wholly condemn every word and letter of them which is intended, directly or remotely, to interfere with the full and prompt execution of the Fugitive Slave Act, it is to my mind clear that their character and extent have been grossly exaggerated. This is not to be wondered at; for in this latitude the passions which have "precipitated the cotton States into a revolution" do not sway the popular mind, and it is necessary for the secessionists to find some chord to touch, which is connected with the actual experience of wrong by our people. That great wrong has been done to the slaveholders of Missouri and other slaveholding States by the enticement of slaves to run away, and by the obstacles which have been interposed to their recapture, is beyond dispute; but this wrong is not so much chargeable upon those Personal Liberty laws as upon the perverted and injurious tone of popular sentiment in the free States. It is the unauthorized, illegal and unjustifiable acts of fanatical individuals, singly or as mobs, much more than any authorized execution of the laws of those States by the constituted authorities thereof, which has produced the trouble that has sprung from attempts to retake fugitive slaves. These individual acts cannot be regarded as the fruits of the Personal Liberty laws, for they have been perpetrated as well in States which have never passed any such law, as in those which have. It is important for the friends of the Union to keep these things in mind in their discussions with the secessionists,

so as to prevent the effect of the exaggerations to which you refer. If secession is to become dominant in Missouri, let it not be because the Union men fail to present the truth to the people.

Before proceeding to give the desired summary, let me bring into view a point decided, in 1842, by the Supreme Court of the United States, in the case of *Prigg vs. Pennsylvania*, reported in 16 Peters Reports, 539. There, after elaborate argument by eminent counsel, and "most deliberate examination" by the Court, it was held that the power of legislation in relation to the recapture of fugitive slaves is, by the Constitution of the United States, vested *exclusively in Congress*. From this it follows that no State Legislature has any power to legislate at all on that subject; and hence that no State officer can, as such, be required or authorized to aid in taking a fugitive slave, except by act of Congress; and as the Fugitive Slave Act does not impose any obligation or confer any power upon any State officer in the premises, it is no violation of the Constitution, or breach of good faith, for a State to pass a law forbidding its own officers to do what Congress has not made it their duty to do, but, by devolving the obligation upon others, has made it the duty of State officers not to do. The bearing of this upon the matter in hand will be presently seen.

Another remark should be made. When I speak of "Personal Liberty Laws," I mean only such laws as tend to interfere with the due and proper execution of the Fugitive Slave Act; and such I suppose to be the general understanding of the phrase. A law prohibiting slavery in a State, or forbidding State officers to aid in the arrest, detention, or removal of fugitive slaves, is not a law of that character, and can be no just cause of complaint on the part of citizens of the slaveholding States, as violative of the Constitution, or as a breach of good faith. Each State has a right to prohibit slavery in its own borders, and to define the duties of its own officers.

Keeping in view the points thus preliminarily presented, I state that (leaving out Kansas, concerning which I am not advised) only *four* of the remaining eighteen free States have any law upon their statute-books which could be considered as interfering with the full execution of the Fugitive Slave Act.

In New-Hampshire, Rhode Island, Connecticut, New-Jersey, Ohio, Indiana, Illinois, Iowa, Minnesota, California, and Oregon—eleven States—*there is no law at all on the subject*. Let this important fact be noted.

In New-York, in 1840, an act was passed giving the right of trial by jury to persons arrested as fugitive slaves; but that was before the decision of the Supreme Court in *Prigg vs. Pennsylvania*, and before the passage of the Fugitive Slave Act of 1850; and the law is regarded there as entirely void, though it has never been formally repealed. So New-York may be added to the list of non-offending States, making *twelve*.

In Maine and Pennsylvania the legislation is confined to the single point of prohibiting the

officers of those States from doing any act about the arrest or detention of fugitive slaves. So they may be added to the list of non-offending States, too, making the number *fourteen*.

But four of the free States remain—*Vermont, Massachusetts, Michigan, and Wisconsin*; and within their comparatively limited territory, far removed from the slaveholding States, is to be found all the offensive legislation upon which the secessionists have based their clamor. Let us see its character and extent.

VERMONT.

The law of this State provides that no court, justice of the peace, or magistrate, shall take cognizance of any certificate, warrant or process under the Fugitive Slave Act; that no officer or citizen of the State shall arrest, or aid or assist in arresting, any person for the reason that he is claimed as a fugitive slave; that no officer or citizen shall aid or assist in the removal from the State of any person claimed as a fugitive slave; *but this act shall not be construed to extend to any citizen of the State, acting as a Judge of the Circuit or District Court of the United States, or as Marshal or Deputy Marshal of the District of Vermont, or to any person acting under the command or authority of said courts or Marshal.* The law further requires the State's Attorney to act as counsel for alleged fugitives; provides for issuing writ of *habeas corpus*, and the trial by jury of all questions of fact in issue between the parties; and declares that every person who may have been held as a slave, who shall come, or be brought, or be in this State, with or without the consent of his or her master or mistress, or who shall come or be brought, or be involuntarily, or in any way, in this State, shall be free. It is also provided that every person who shall hold, or attempt to hold, in this State, in slavery, or as a slave, any person mentioned as a slave in the section of this act relating to fugitive slaves, or any free person, in any form or for any time, however short, under the pretence that such person is or has been a slave, shall be imprisoned in the State prison for a term of not less than one year nor more than fifteen years, and be fined not exceeding two thousand dollars.

MASSACHUSETTS.

In this State the Governor is to appoint a Commissioner in each county, to defend fugitive slaves and secure them a fair and impartial trial by jury; the officers of the State are prohibited from taking cognizance of any case, issuing any warrant or process, or granting any certificate under the Fugitive Slave Acts of Congress; the militia of the State are prohibited from acting in any manner in the seizure, detention, or rendition of fugitives; and the jails and prisons of the State are forbidden to be used for confining them.

MICHIGAN.

The law of this State requires State's Attorneys to act as counsel for fugitive slaves; secures persons arrested as fugitive slaves the benefit

of *habeas corpus* and trial by jury; denies the use of State jails for their detention; and requires the identity of fugitive slaves to be proved by two credible witnesses, or by legal evidence equivalent thereto.

WISCONSIN.

The law of this State is the same as that of Michigan, except that it does not prohibit the use of the State jails, and provides for an appeal to the Circuit Court of the State, and forbids the reception of depositions in evidence. It contains one section which, I believe, is not to be found in the statute-book of any other State, and is in the following words:

"No judgment recovered against any person or persons for any neglect or refusal to obey, or any violation of the act of Congress, commonly termed the 'Fugitive Slave Act,' approved September eighteenth, 1850, or any of the provisions thereof, shall be a lien on any real estate within this State, nor shall any such judgment be enforceable by sale or execution of any real or personal property within this State; and in case of seizure or sale of any personal property, by virtue of any execution issued on such judgment, the defendant in said execution may maintain an action of replevin, or other action to secure possession thereof, in the manner provided by law for such actions, on affidavit filed as required by law, and a further statement therein that said execution issued in a judgment rendered under the provisions of the act of Congress aforesaid; and the provisions of this section shall also apply to judgments heretofore rendered."

Such is the summary of the legislation of the Free States in regard to fugitive slaves. Out of eighteen States two in New-England and two in the Northwest have passed laws interfering with the execution of the Fugitive Slave Act; which laws are unconstitutional and void, so far as they so interfere, and would be so declared by the Supreme Court of the United States whenever brought before that tribunal.

No sane man will deny that the Constitution provides in that court a tribunal where all such laws may be declared null, and that it does not contemplate revolution as a remedy against such wild and fanatical legislation. And yet this terrible remedy is urged upon the people of Missouri. But in what way would secession benefit *us*, in regard to the offensive laws of those four States? Would it repeal or annul them? Every man knows that they would remain; and we should have the poor satisfaction of knowing that we had *run away* from them, and at the same time had abandoned our allegiance to the Constitution which has sheltered us from our birth, which has never harmed but ever blessed us, and which, once destroyed, may never be reconstructed in its original fair proportions.

But even were secession a fit remedy, or a remedy in any sense, for this miserable legislative exhibition of fanaticism, on what principle of manliness or generosity can we resort to it, when fourteen others of our sister free States have stood

firm through the anti-slavery agitations of the last thirty years, and, from regard to their Southern brethren and their constitutional obligations, have either refused to adopt any such laws, or have promptly repealed them—as Rhode Island lately did—when their true character was fairly presented? How dare we visit the calamities of revolution upon those fourteen States, among which, be it always remembered, is every border free State? How can we justify ourselves in making aliens and enemies of our true and loyal neighbors and friends in those States, merely because four other and distant States have yielded to a fanaticism which calm reason and the lapse of time would surely dispel?

But you know, and every intelligent citizen knows, that this outcry about Personal Liberty laws is a mere shallow device to excite popular passion and provoke a revolutionary spirit; and that it was never heard till after the result of the Presidential election became known, and the agitators of the South needed fuel to keep the fires of treason burning long enough to consume the cords which bound the hearts of the people to the Union. Puerile and contemptible as it is, as a motive to the most causeless and fatal popular crime that the history of ages has recorded, it served its malignant purpose there, and now it is to be made, if possible, to play the same devilish part here. But we can well trust the intelligence and patriotism of the people of Missouri to protect them against their own destruction, on such a false and flimsy pretext as that. Some may for a time be misled, but the great popular heart will still beat, as I feel assured yours does, and as I know mine does, for the Union.

Very truly your friend,
CHAS. D. DRAKE.

Doc. 29.

SPEECH OF ELISHA R. POTTER,

OF SOUTH-KINGSTOWN, IN THE SENATE OF RHODE ISLAND, DURING THE SPECIAL SESSION, AUGUST 10, 1861.

MR. POTTER, of South-Kingstown, offered the following resolutions:

Resolved, That in the present crisis of our public affairs, there ought to be a full and sincere union of all political parties in support of the constitutionally elected Government of the United States, and that this General Assembly pledges to the President of the United States the best exertions of the government and people of Rhode Island, and its entire resources, for the preservation of the Union.

Resolved, That His Excellency the Governor be requested to cause a copy of this resolution to be transmitted to the President of the United States.

Mr. Potter said:

Before taking the question on the resolutions I have introduced, I wish to offer a few remarks.

The resolutions are intended to encourage and bring about a union of all parties for the sake of

the Union. Since the affair of Fort Sumter, there has been a general disposition manifested in this State to support the National Administration. The Democrats were generally disposed to support the President in his efforts to preserve the Union, if they could be allowed to do so, but unfortunately there was with a few persons a disposition to denounce every one as a secessionist who did not agree with them in full, and more especially if they had an old grudge against him.

When I heard the address of Governor Sprague, at the opening of the session, in which he spoke of the power and resources of the South, I could not help thinking that if that address had been made three weeks ago, the Governor himself would have been denounced as a secessionist, notwithstanding all he had done and risked in defence of the Union. When Gen. Scott and the Cabinet are accused of treason, who can expect to escape?

A few weeks ago the people seemed determined not to hear the truth. It would not do for any one to say a word about the extent or productions of the slave States; and to express the opinion that they could not be starved out, or that they would not all run away as soon as we marched against them, was rank treason in the eyes of some.

But the late battle has changed all that. The effect of the battle, at the South, would be to unite and encourage them, and so far was bad for us; but the effect, at the North, would be good. It would put a stop to all the bragging and blustering and parade soldiering which had been going on so long, and it would lead people to look upon it as a serious matter, as it was.

I thought a great many times that if an intelligent foreigner had been amongst us, who had seen military service and battles abroad, he would have been perfectly disgusted with the manner in which our people and newspapers spoke of the war, how we boasted of our *grand* army, and how we magnified every skirmish into a great victory, where the Southerners always ran, almost before they were attacked.

And this defeat had rendered a union of parties more necessary and easier to be brought about. As the war advanced and we felt its pressure, we should be more disposed to give up all our own little bickerings and contentions, and to sacrifice personal feeling to the good of the country.

And it has rendered us more willing to listen to the truth about our enemies. We had been trying to conceal the truth from ourselves, and this miserable policy of self-deception had cost us the loss of the battle of Manassas, the loss of many valuable lives, and had probably added years to the contest. We should learn hereafter not to underrate our enemies.

This would be one good effect of the defeat, that the people would now be willing to hear the truth; and with this view I propose to give some statistics of the productions of the South, a subject on which our people appeared to be entirely ignorant. The general idea was, that all the South raised was cotton, rice, and a very little grain;

and that nearly all the corn and wheat was raised in the great West. The census tells a different story. We should be surprised to find that these Southern States raised one half of all the corn raised in the whole Union, and a good proportion of other grains.

In order to make the statement fair, I class the eight Southern, or Cotton States, together, and put the four Northern States, Virginia, Kentucky, North-Carolina and Tennessee, together, and leave out of the account Missouri, Maryland and Delaware, although there is a great deal of sympathy for the slave cause in those States.

	8 Southern States— S. Car., Ga., Flor., Al., Miss., Louisiana, Ark., and Texas.	Va., Ky., N. C., Tenn.	Whole U. States.
	Number.	Number.	Number.
Neat Cattle,.....	5,393,000	2,504,000	18,378,000
Sheep,.....	1,844,000	3,815,000	21,729,000
Swine,.....	9,033,000	9,836,000	30,374,000
Wheat,.....	2,825,000	17,103,000	100,485,000
Rye,.....	154,000	1,191,000	14,188,000
Oats,.....	11,620,050	80,135,000	146,584,000
Corn,.....	124,794,000	174,142,000	592,071,000
Potatoes,.....	27,106,000	15,181,000	104,066,000
Barley,.....	22,000	134,000	5,167,000
Peas and Beans,.....	4,892,000	2,576,000	9,219,000
	Pounds.	Pounds.	Pounds.
Butter and Cheese,....	21,478,000	84,245,000	418,881,000
Rice,.....	209,562,000	5,745,000	215,313,000

Thus these States raise all the great crop of rice, one fifth of all the wheat, one half of all the corn, and a respectable proportion of other crops. And there is a large field crop of peas and beans—a crop hardly known here. And the number of cattle, sheep, etc., is large. Two thirds of all the hogs are in these twelve Southern States, and nearly half the neat cattle.

These facts are from the census of 1850, as the agricultural statistics of 1860 are not yet published. And since 1850, Texas has increased in population and wealth, and the crop of corn, this year, in Texas alone, is said to be enough to sustain the whole South.

I am very glad to see in the *New-York World*, (the Administration organ,) of yesterday, a few of these facts stated under the very significant caption of "starvation a fallacy." I will give my views presently of the mode of prosecuting the war.

We used to suppose that the Germans in Texas would be anti-slavery, and would make a free State there. But it is said they have begun to buy slaves, and having gone to Rome, are doing as Romans do.

But there is another thing we ought to consider, as it was always poor policy to underrate our enemies. By the census of 1860, the whole population of these twelve States is over ten millions, of whom six and a half millions are whites. Let us see the number of whites of military age (between eighteen and forty-five) in those States.

The eight Southern States have	506,000
The four Northern States have	706,000
The whole United States have	5,433,000

So that we see the Cotton States alone can send a large army into the field, and still leave a large force at home.*

*The whole population of the fifteen slave States is over 10,000,000.

In these calculations I have omitted Missouri and Maryland, and given the statistics of Kentucky, Virginia, North-Carolina and Tennessee, because, although there is a strong Union party in these four States, yet the sympathies of a large portion of the people are with the South, and whatever may happen, they are not going to see their Southern brethren starve. So also with Maryland and Missouri. The Union men there would like to have their Southern brethren come back into the Union, but they would not like to see them suffering.

The South, too, are fighting with the same advantage against us that our forefathers had in our Revolution against the English. They are at home, where they know every road, brook, hill and woodpath, and are accustomed to the climate, and among friends. We are fighting among strangers, where a soldier cannot leave his camp without danger, and with no one to rely on for aid or information.

But it may be said, these figures are all true, but why publish them to discourage us? We charge the Southern leaders with keeping the people in ignorance, and yet we are doing the same here. I am not afraid to trust the people with the facts. The knowledge of the truth would lead to a better conduct of the war. If the Republicans expected to carry on the war as Republicans, it would be a miserable failure. We need the union of the whole North, and we ought to be willing to sacrifice all personal and political feelings to bring it about. And Republicans being in a majority at the North, ought to be willing to sacrifice the most. Suppose once in a while a Democrat from old habit can't keep from damning the Abolitionists? They don't mind it. They are used to it. Let him alone, and by and by misery and suffering will bring us all together.

The "on to Richmond party," if not dead, is at least suspended. But there is another faction, equally if not more dangerous, and that is the "on to England" party.

There was one newspaper, professing to support the Administration, which is now doing more mischief to the Union cause than all the secession newspapers North and South put together. I do not mean the *Tribune*, but the *New-York Herald*. If it was in the pay of the secessionists, it could not do more mischief. It has been for weeks abusing England, and threatening to conquer Canada. And we are now getting from the English and Canadian papers the returns in kind for this abuse. It was alienating them from us when we needed their sympathies. It was trying to get us into two wars, when we could hardly carry on one.

Unfortunately the *Herald* was almost the only American newspaper seen abroad. It was conducted with superior ability, and very few knew the magnitude of the mischief done by it in this war.

Very probably there may be in England a few who are jealous of the power of our Union, and would not be sorry to see it broken up, but generally the sympathies of the English were in our favor, until our papers began to abuse them.

Neither England nor France have done anything but what they are justified in doing, not only by the law of nations, but by American precedents. Our own precedents are strongest against us.

England had a right, under the laws of nations, to admit Southern prizes into her ports, but she has refused to do it. All she was bound to do in case of a civil war, was to treat both parties alike, and if she admitted the prizes of one party, to admit those of the other.

When the Spanish provinces revolted from Spain, and declared their independence, we almost immediately admitted their flags and prizes into our ports, years before we acknowledged their independence. And our courts acknowledged the state of neutrality, and the lawfulness of the prize, in numerous cases. Texas declared herself independent of Mexico, in March, 1836, and within six months after, her flag appeared in New-York City; and when the Mexican Minister remonstrated, our Government answered, that in the previous civil wars between Spain and her colonies, "it had never been held necessary as a preliminary to the extension of the rights of hospitality to either [party] that the chances of war should be balanced, and the probability of eventual success determined. For this purpose it had been deemed sufficient that the party had actually declared its independence, and at the time was actually maintaining it."

And this rule has been recognised by Adams, Clay and Webster, in the discussions growing out of the case of the Spanish Colonies.

A great deal of confusion has arisen from confounding what England has done, viz., recognising them as belligerents, (that is, declaring neutrality, and treating both parties alike,) with recognising independence, which is a very different thing. Even if England had done the latter, according to the authority of Adams, Webster and Clay, it would be no just cause of war on our part. But she has not done it.

But there is yet a stronger precedent against us, and in favor of England, than any I have mentioned. It was our case with Denmark. In 1779, Commodore Paul Jones took some British prizes, and they were carried into a Danish port. Denmark delivered them up to the English, on the ground that they (Denmark) had not recognised our independence. Our Government took the ground, that in *civil* war as well as in case of war between nations of acknowledged independence, and even before the independence of the revolutionary government was acknowledged by the old government, or by any government, each party has a right to carry its prizes into the ports of any other nation, unless that nation is bound by treaty not to admit them, or has given previous notice that they will not admit them.

This was the ground taken by Dr. Franklin; it was taken and most ably maintained by Henry Wheaton; it was sustained by John Quincy Adams in a report, when Secretary of State, and only a few years ago, by Mr. Cameron, now Secretary of War, in a report made to the Senate.

Wheaton took the ground, that in 1779 the United States were *de facto* sovereign, engaged in war, and carrying it on in the usual manner, exchanging prisoners, and recognising the usual laws of war.

It has been said that England is not treating us as well as we treated her in her Irish and Canadian rebellions. There is no similarity in the cases. The Irish never set up a government at all; and though McKenzie, in Canada, undertook to set up a provisional government, it never had any strength. And it cannot be denied that, notwithstanding Van Buren's proclamations of neutrality, a large portion of our people did encourage these rebellions by their sympathies.

And it is only by England recognising the South as belligerents, and maintaining a neutrality between us, that our Government is released from being responsible for Southern injuries to British citizens and commerce. When Spain remonstrated against England's treating the Spanish colonies as independent governments, Mr. Canning, one of the greatest of English statesmen, replied that they must either hold Spain responsible for the acts of the colonies, or they must treat them as independent and responsible for their own acts.

Our Administration seemed to have hesitated whether to treat this as an ordinary insurrection, or a civil war, and they have thus involved themselves in some real or apparent inconsistency.

If it is a mere insurrection, then the President has no right to take any measures to put it down except those pointed out by the laws. He might draft militia, but he had no right to call for volunteers, or to do many things he has done.

On the other hand, if it is a *civil* war, then it is a case not provided for by the Constitution or laws, and the President is justified in resorting to all means required by the necessity, and public sentiment will justify him in doing it.

And I am glad to find that the leading administration paper before referred to, admits that it is a *war*, and not a very small one either. And if it is a war, it is to be carried on by us as civilized people, and not as savages. We are to recognise the usages of war, and even if there are cases of inhumanity on the other side, that will be no justification for us. We have always claimed that the North had nearly all the religion in the United States. This will put it to the test.

And our Government has in fact recognised this as a *state of war* by declaring a *blockade*. A nation never blockades its own ports. It would be a mere abuse of language to call it so. Our Government took this very ground in the case of our claims on the Two Sicilies, that a nation could *not* blockade its own ports. We, therefore, by blockading them, do in fact acknowledge them to be under another government, and not under ours.

While England acknowledges our right to blockade the Southern ports, she denies that we can collect duties there by a mere act of Congress. An act of Congress closing the ports, or authorizing a ship of war to collect duties there, is valid so far as our own citizens are concerned, but for-

sign nations are not bound to respect it. In the theory of government, protection and taxation go together. We have no right to compel an English vessel to pay duties there, if we have not the power to permit them to land and sell their goods. For all practical purposes these ports are out of our jurisdiction; and here, too, our precedents are against us.

Grenada has lately attempted to close some rebellious ports by a mere decree. England admits the right to blockade them, but denies her right to close by a mere paper decree a port not in her actual possession.

If it is not a war, then we have no right to search ships for contraband—a right which belongs only to a state of war. And Lord Derby's argument is unanswerable, that if we claim the rights of war for ourselves, we must allow them to the other party.

And it is probable that by virtue of old treaties, the South have now a right to carry their prizes into the ports of Prussia, Netherlands and Sweden.

And if we recognise a state of war, to be carried on as civilized war, on land, why not on the sea also? It is idle to talk about hanging rebels and pirates. No one but a simpleton expects it. If we hang their soldiers or privateersmen, they have but to do as our forefathers did to the officers of George III., threaten to retaliate by hanging ours. The threat was effectual then. I hope we are not less civilized now.

I am sorry to hear the report that the Administration have sent out their adhesion to the treaty of Paris of 1856, which abolished privateering. It will be said that we do in our weakness what we would not do in our strength. And besides, by the law of nations, our adhesion would not bind the South so long as they are maintaining an independent government.

These facts and arguments are not very pleasant to consider, but the use I would make of them is this—that we should prepare for a long war and begin to economize; that we should leave off all silly talk about our own prowess, Southerners being cowards, hanging Jeff. Davis, starving the South, conquering Canada, whipping England and France, and all the world besides, and come down to look at the case in naked truth and sad reality. Our people talk about a union of parties, but it is only in words; they do not yet realize the necessity of it. When we fully understand it, we shall see the necessity of union, and that it requires nothing less than our united strength to cope with the enemy.

It is a waste of words to argue for or against the right to secede. But we cannot deny the right of revolution, and it is of no use quarrelling about who is to blame in this contest. Before the war was begun, I believe the blame was pretty equally divided. The leaders of the South could not have carried the masses with them, if it had not been for the invasion of John Brown and its justification by a portion of the North. And the North would not have been aroused as it is, if it had not been for the brutal attack on Charles Sumner, and its justification by a portion of the

South. If the South sent to Congress the gentlemen they used to send, they would still have influence there.

I can well recollect when, about 1835 or 1836, a Southern Governor, in a message, first proclaimed that taunt—since so often repeated, and of which so much political use has been made—that the laboring people of the North were slaves in fact, if not in name. But for taunts like these, abolitionists could have done but little. For abolition itself, or for the colored race, the Northern people generally have cared but little. It is the insolence of Southern politicians which has aroused them.

It is evident that the war has got to be a long and expensive one, or a short and bloody one.

As long as the war was confined to the Cotton States, I thought, with a great many people at the North, that the best way to get them back was to tell them to quit, if they wanted to; and they would soon find self-government a pretty expensive thing. But the case is now entirely changed. It will not do for us to separate from the northern slave States. It would cut us—not in two—but into three nations. The East and the West would have a mere strip of territory to unite them, and they could not hold together. The commercial interests of the West are entirely opposed to those of the East—and how long would it be before the West would join the South and reconstruct a powerful Union, leaving New-England out?

The plan of military operations to reduce the South and preserve the Union, which seemed to promise to effect it with the least bloodshed, was the plan generally understood to be favored by Gen. Scott and the President; to blockade their ports, shut them in and destroy their trade, threaten attacks at various points, and so compel them to keep up a large army, and take away their people from their ordinary agricultural pursuits. If this plan had been pursued for a year, unless human nature at the South is different from what it is here—where we quarrel all the time—they would have quarrelled among themselves before long. As soon as elections came on, different parties and candidates would arise. Causes of dissension would multiply, and there would in time be a party, which, though it might not dare to assume the name of a Union party at first, would soon become one.

Notwithstanding the disastrous result of the late battle, the Government will probably endeavor to pursue the same policy.

But I have said the war may assume another aspect, and be a short and bloody one. And to such a war, an *anti-slavery war*, it seems to me we are *inevitably* drifting. It seems to me hardly in the power of human wisdom to prevent it. We may commence the war without meaning to interfere with slavery; but let us have one or two battles, and get our blood excited, and we shall not only not restore any more slaves, but shall proclaim freedom wherever we go. And it seems almost judicial blindness on the part of the South that they do not see that this must be the inevitable result, if the contest is prolonged.

We know well the power of a ruling race over an abject and submissive people. A few men accustomed to arms and to rule, can keep in subjection thousands of a race unused to arms and accustomed to submission. We see it in the case of India. A few British soldiers there keep in subjection a hundred millions even of civilized Hindoos. But the slaves have hitherto remained peaceably in slavery, because they had nowhere to flee. Once sure of an asylum and safety, fire and poison and the bludgeon will desolate the South. Without justifiable cause, and without having suffered any actual injury, they have begun the conflict; there will yet be time for reflection, but if warned of their danger, they persist in their folly, upon their own heads must be the consequences. Compromise is for the present out of the question. Since the last battle, the South will not, and the North cannot with self-respect, offer terms of peaceable reünion.

After remarks by Mr. Cooke, of Warren, the resolutions were unanimously adopted by the Senate, and on the same day were unanimously concurred in by the House of Representatives.

NOTE ON THE BLOCKADE AND CLOSING THE PORTS.

Our Government, either from being new in office, or from multiplicity of business, or from some other cause, have been constantly, since the commencement of the war, violating the principles we have ourselves laid down in similar cases heretofore. The President declares a blockade, which is an incident of the war-making power. By so doing he admits that it is a civil war, and not merely a trifling insurrection. But now it is argued that the President can close the ports under the recent statute, (although these ports are not *de facto* under our jurisdiction,) and that the blockade is merely a *coast guard* to enforce the law.

When the Spanish American Provinces revolted from Spain, and declared their independence, Spain undertook to pursue the very course our Government is now pursuing; and the Dutch, English and the United States protested against it.

The Spanish General Morales, by decree of September fifteenth, 1822, proclaimed a blockade of twelve hundred miles of the coast of the Spanish Main, in South-America, and prohibited all foreign commerce with the revolted Provinces as being contrary to the laws of Spain. At this time the Spaniards had but three vessels of war to blockade twelve hundred miles.

This decree led to very serious disputes between the United States and Spain. England went so far as to order reprisals on Spanish commerce.

John Quincy Adams, the Secretary of State, in his letter of April twenty-eighth, 1823, to Mr. Nelson, our Minister in Spain, thus denounces these proceedings. And if he had foreseen the case of our blockade, he could not have described it much better:

"To this outrage on all the rights of neutrality, [the inefficient paper blockade,] they have added

the absurd pretension of interdicting the peaceful commerce of other nations with all the ports of the Spanish Main, upon the pretence that it had been heretofore forbidden by the Spanish Colonial laws.

"The blockade was a public wrong. The interdiction of all trade was an outrage upon the rights of all neutral nations; and the resort to two expedients bears on its face the demonstration, that they who assumed them both, had no reliance on the justice of either; for if the interdiction of all neutral trade was lawful, there was neither use nor necessity for the blockade; and if the blockade was lawful, there could be as little occasion or pretence for the interdiction of the trade. The blockade and interdiction of trade have, from the first notice of them, not only been denounced and protested against by the government and officers of the United States, but by those of Great Britain, even when the ally of Spain, and who has not yet acknowledged the independence of the revolted Colonies.

"Mr. Andagua attempts, by laborious argument, to maintain to the fullest and most unqualified extent, the right of the Spanish privateers to capture, and of the Spanish prize courts to condemn, all vessels of every other nation trading with any of the ports of the independent patriots of South-America, because under the old colonial laws of Spain that trade had been prohibited; and with the consistency of candor, at least, he explicitly says that the decrees issued by the Spanish commanders on the Main under the name of blockades, were not properly so called, but were mere enforcements of the antediluvian colonial exclusion. Is it surprising that the final answer of Great Britain to this pretension, was an order of reprisals?"

After stating that Spain had appropriated forty millions of reals to pay the damages to British commerce and had revoked the blockade, Mr. Adams goes on:

"It is in vain for Spain to pretend that during the existence of a civil war, in which, by the universal law of nations, *both parties have equal rights* with reference to foreign nations, she can enforce against all neutrals, by the seizure and condemnation of their property, the law of colonial monopoly and prohibition by which they had been excluded from commercial intercourse with the colonies before the existence of the war, and when her possession and authority were alike undisputed."

In this same letter to Nelson, Mr. Adams stigmatizes the decree of Morales as an *abominable* decree, and in another part of the letter as an *atrocious* decree.

Upon the same subject the Committee of Foreign Relations of the United States House of Representatives made a report, January thirty-one, 1835, in which they call this right claimed by Morales to forbid all commerce with the revolted provinces, as being against the laws of Spain, "an absurd pretension."

The doctrine we maintained, in the case of the division of the Spanish Empire, we must now

have applied to ourselves. And the *Diario Español*, a Madrid paper, is now twitting us with our situation, and saying that they must be governed in our case by the precedents England and the United States have set. The United States are taking their turn. How long before Spain may have the same opportunity to reciprocate with England?

In regard to the *notice* and efficiency of blockades, the United States have always maintained very strong ground.

In 1804, the English naval commander declared a general blockade "of the Islands of Martinique and Guadaloupe." The United States remonstrated against this, and the British government instructed their naval officers "not to consider any blockade of those islands as existing, unless in respect of particular ports which may be actually invested; and then not to capture vessels bound to such ports, unless they shall have previously been warned not to enter them."

In 1816 Spain declared a blockade of "the ports of the vice-royalty of Santa Fe." The United States Minister at Madrid was instructed to protest against the general terms of the notice, and we claimed that to be valid, the notice "must be confined to particular ports, each port having a force stationed before it sufficient to intercept the entry of vessels," and that even then, no vessel should be seized until first warned off.

Mr. Clay, Secretary of State, in his instructions to Mr. Tudor, Minister at Brazil, in October, 1827, says:

"According to those principles (invariably contended for by the United States) no place can be considered lawfully besieged or blockaded, which is not invested by a competent belligerent force, capable of preventing the entry of a neutral; and such neutral cannot be lawfully captured without having been notified of the existence of the blockade, and if he attempt to enter the blockaded port, being warned off."

The sooner our Government concludes to call this a *war*, and not a paltry rebellion, and to call the blockade a blockade and make it efficient, the better. Their present course has an appearance of wavering and inconsistency.

Will it not dampen the ardor for volunteering when the volunteers know that they not only expose themselves to the risk of being shot in battle, but that, if taken prisoners, they may be hanged in retaliation, if our Cabinet should persist in their present plan of hanging the privateersmen as rebels and pirates?

There is another consequence which may follow from the apparent determination of the Cabinet to regard this as an insurrection and not as a civil war. If the Government treats it as an insurrection, the courts must treat it as such. The law of blockade, capture, and prize, is a portion of the law of nations. And as the law of nations recognises only prizes of war, and knows no such thing as prize of rebellion, it may follow that the courts cannot condemn any American vessels captured before the passage of the confiscation act, nor any foreign vessel in any case, except for vio-

lation of a revenue law, at a port not in our possession; which, if done, would at once get us into a difficulty with foreign nations. This ground is very ably taken by Charles Edwards, Esq., of New-York, in the *Hiawatha* prize case, and must probably be sustained by the court.

RIGHTS OF PARTIES IN A CIVIL WAR.

In addition to the views of Franklin, Wheaton, and others, in the Danish case, and the views of J. Q. Adams, in the case of the Spanish Colonies, before stated, upon the question how a civil war must be treated by foreign nations, we may refer to the following, as stating the views always heretofore maintained by the American Government on this subject:

"Even when civil war breaks the bonds of society and of government, or at least suspends their force and effect, it gives birth in the nation to two independent parties, who regard each other as enemies, and acknowledge no common judge. It is of necessity, therefore, that these two parties should be considered by foreign States as two distinct and independent nations," etc., etc. — *Extract from Report of Committee of Foreign Relations of U. S. House of Representatives, March 19, 1822.*

Doc. 30.

THE CAPTURE OF PORT ROYAL, S. C.

OFFICIAL REPORT OF GENERAL DRAYTON,
THE REBEL COMMANDER.

HEADQUARTERS PROVISIONAL FORCES,
THIRD MILITARY DISTRICT, DEPARTMENT OF SOUTH-CAROLINA,
CAMP LEE, HARDEEVILLE, November 24, 1861.

To Captain L. D. Walker, Assistant Adjutant-General, Charleston, S. C.:

SIR: I have the honor of presenting my official report of the engagement on the seventh instant, between the Federal fleet, numbering fifteen war steamers and gunboats, and Forts Walker and Beauregard, upon Hilton Head and Bay Point, at the entrance of Port Royal Sound. The fleet was commanded by Capt. S. F. Du Pont, Flag-Officer of the South-Atlantic Blockading Squadron, and the troops on board the transports by Brig.-Gen. Sherman.

The distance between the forts is, by coast survey, two and five eighths miles.

The enemy's fleet had been collecting in our waters since the morning of the fourth instant, and had increased in the afternoon to thirty-two war steamers and transports.

On receiving a despatch to this effect from Col. Wm. C. Hayward, commanding the troops at Camp Walker, I left my headquarters in Beaufort, and repaired by steamer to Bay Point, which I reached at six P.M., passing on the way the ever-watchful little fleet of Flag-Officer Tatnall, Confederate States Navy.

After remaining in consultation until half-past one A.M., with Col. R. G. M. Dunovant, Commandant of the port, I took my departure, leaving him such general instructions as the uncer-

tain mode and direction from which an attack might be expected would permit. I then visited Commodore Tatnall, and after an interchange of views, took leave, crossed over to Hilton Head Island, landed there at daylight on the fifth, and immediately despatched a courier to Braddock's Point, south end of the island, ordering Captain Stuart's company, Ninth regiment, to march on Fort Walker, and embark thence to strengthen Capt. Elliott's gunners in Fort Beauregard. This company did not leave on the sixth as proposed, as Capt. Sassard, of the steamer Edisto, failed to comply with his orders to carry it across early in the morning. They were despatched, however, by the first steamer at my disposal, on the seventh, and before they had reached half-way across the bay, they were cut off from Bay Point by the advancing fleet of the enemy, and obliged to seek shelter in Skull Creek, where Capt. Stuart disembarked his whole command in safety.

On inspecting Fort Walker, shortly after my arrival, I found twenty guns of various calibre mounted upon the ramparts, thirteen of which were on the Channel Battery, viz.:

One ten-inch columbiad in the centre, flanked to the right by five thirty-two-pounders, and one nine-inch Dahlgren rifled cannon, and to the left by six other cannon in the following order:

North bastion, one thirty-two-pounder.

South bastion, one thirty-two-pounder, one eight-inch howitzer, and one long twelve-pounder.

South flank of bastion, one navy thirty-two-pounder.

Demilune, two twenty-four-pounders.

Redan, one navy eight-inch howitzer.

Of these eight guns, one in the north bastion and two in the south flank, could occasionally be used against the ships-of-war; the rest were for the land defence.

To man the guns within the Fort, and for an infantry reserve outside, we had, until reinforcements came from Savannah, on the afternoon of the sixth, two companies of Col. Wagoner's First regiment artillery; South-Carolina Militia, numbering one hundred and fifty-two; three companies Col. Heyward's Ninth regiment South-Carolina volunteers, numbering two hundred and ten; four companies Colonel R. G. M. Dunovant's Twelfth regiment South-Carolina volunteers, under Major Jones, numbering two hundred and six. Total men, six hundred and twenty-two.

There were stationed on the beach at Camp Lookout, six miles off, Capt. J. H. Screven's mounted guerrillas, numbering sixty-five, who acted as scouts and couriers.

About nine o'clock A.M., of the fifth, Commodore Tatnall, who had boldly attacked the enemy's gunboats on the previous day, again gallantly steamed out to exchange shots with them, but he was met by too large a force, and therefore retreated slowly behind our forts. The enemy followed, and engaged both batteries for about forty-five minutes, with no other injury than three men slightly burnt in Fort Beauregard from the explosion of a caisson struck by a rifle shell.

On the sixth instant, the fleet and transports,

which had increased to about forty-five sail, would probably have attacked us had not the weather been very boisterous. In the afternoon, about four P.M., we received our first reinforcements from Georgia, four hundred and fifty infantry, under command of Capt. Berry, C. S. A., and Capt. Read's battery of two eleven-pound howitzers and fifty men.

I have reason for supposing that this assistance would have arrived sooner, for Gen. A. P. Lawton, commanding Provisional forces in Georgia, wrote from Savannah to Col. Heyward, on the fourth instant, half past eight P.M., as follows: "From a despatch received to-day from Gen. Ripley, I infer that you (Col. W. C. Heyward) have been sufficiently reinforced from his command until the plans of the enemy shall be more fully developed."

Two hours after the gallant Georgians came to the rescue, I received the welcome intelligence that Col. De Saussure's Fifteenth regiment South-Carolina volunteers, six hundred and fifty strong, had landed at Seabrook's Wharf, upon Skull Creek, and were close at hand.

At last the memorable seventh dawned upon us, bright and serene; not a ripple upon the broad expanse of water to disturb the accuracy of fire from the broad decks of that magnificent armada, about advancing in battle array, to vomit forth its iron hail with all the spiteful energy of long-suppressed rage and conscious strength. At twenty-five minutes past nine A.M., one nine-inch Dahlgren gun opened fire upon the sixty-gun steamship Wabash, flag-ship of Capt. Du Pont, which led the van, closely succeeded by fourteen other large steamers and gunboats.

The shell from the Dahlgren exploded near the muzzle, and was harmless. Other shots followed from both forts, and soon the fire became general on land and water. In spite of our fire, directed with deliberation and coolness, the fleet soon passed both batteries, apparently unharmed, and then returning, delivered, in their changing rounds, a terrific shower of shot and shell in flank and front.

Besides this moving battery, the Fort was enfiladed by two gunboats, anchored to the north, off the mouth of Fish Hall Creek, (F H) on sketch, and another at a point (C) on the edge of the shoal to the south. This enfilading fire on so still a sea annoyed and damaged us excessively, particularly as we had no gun on either flank of the bastion to reply with; for the thirty-two-pounder on the right flank was shattered very early by a round shot; and in the north flank, for want of a carriage, no gun had been mounted. After the fourth fire, the ten-inch columbiad bounded over the hurter, and became useless. The twenty-four-pounder rifled cannon was choked while ramming down a shell, and lay idle during nearly the whole engagement.

The shells for the nine-inch Dahlgrens were also too large; the fourth shell attempted to be rammed home, could not be driven below the trunnions, and was then, at great risk, discharged.

Thus far the fire of the enemy had been en-

dured and replied to with the unruffled courage of veterans. At half-past ten o'clock our gunners became so fatigued that I left the Fort, accompanied by one of my volunteer aids, Capt. H. Rose, and went back to Capt. Read's battery, (one and three quarter miles in the rear of the Fort,) and brought the greater part of his men back to take the places of our exhausted men inside the Fort.

It was while thus engaged with Capt. Read's company, that Col. W. H. Stiles rode up and reported his regiment about two miles distant. I instantly directed my aid, Lieut. Drayton, to accompany Col. Stiles to the road along which his regiment was advancing, and to station it in position by the side of the other Georgia troops. On entering the Fort with Capt. Read's company, they were cordially greeted by both officers and men.

The vigorous attack from the fleet continued unabated, with still no decided damage to any of their ships. About half-past twelve p.m., I again went out of the Fort, with my Assistant Adjutant-General, Capt. Young, for the purpose of mustering together the infantry and reserves, and have them in readiness for any eventuality. Before leaving, however, I turned over the command to Col. Heyward, with directions to hold out as long as any effective fire could be returned.

Having mounted our horses, we rejoined the troops near Hospital No. Two. I received information, through one of the videttes, that a steamer and small boats were sounding close to the beach; I detached Capt. Berry, with three companies of his battalion, under the guidance of Capt. Ephraim Barnard, volunteer aid, by a road marked K, to watch the enemy, beat them back if they attempted to land, and give notice if he wanted support. I then, with some of my staff, rode to collect together the other troops, who, through ignorance of our inland roads, had lost their way, and had not yet come up.

On the road marked D, leading to the wharf on Skull Creek, about one fourth of a mile from Fort Walker, I unexpectedly met Gen. Ripley and staff. Saluting him, I enquired if he visited the island to assume command, and whether he wished to go back with me into the Fort? He said no, but that he would return to Coosawhatchie to collect and bring back two or three regiments to my support. We then moved from under the fire of the ships to the shelter of some myrtles, where we could not be seen.

I then stated to him the incidents of the morning, how the men fought, that the day was going against us, and that I was then collecting my forces for any emergency that might arise, and if compelled to defend the island, it should be retained to the last extremity. We then parted, he taking the road toward the ferry, and I in pursuit of the purposes which brought me out of the Fort.

On reaching my reserves, at Hospital No. Two, I learned that the enemy had ceased making soundings, and had gone back to sea; whereupon I

despatched Capt. Read to order Capt. Berry to return from the beach.

Two o'clock had now arrived, when I noticed our men coming out of the Fort, which they had bravely defended for four and a half hours against fearful odds, and then only retiring when all but three of the guns on the water-front had been disabled, and only five hundred pounds of powder in the magazine; commencing the action with two hundred and twenty men inside the Fort, afterward increased to two hundred and fifty-five, by the accession of Read's battery. These heroic men retired slowly and sadly from their well-fought guns, which, to have defended longer, would have exhibited the energy of despair rather than the manly pluck of the true soldier.

The defence of this post involved a two-fold preparation.

First, to repel the attack from the fleet; and, second, an assault by the beach from the troops upon the transports.

By the beach we had to provide against an attack from the north, under cover of the bluff south of Fish Hall Creek, (marked on the map F H,) and from the south (S) by the beach, under cover of the woods between, (J and S,) where a picket of men were posted, under Capt. Paul H. Seabrook; and, lastly by the road, marked (K), leading from the beach to the second hospital. To guard against surprise, either by Fish Hall Creek or by the beach, (at J and S,) when I was returning to the Fort with a portion of Capt. Read's company, I at the same time led up Col. De Saussure's regiment to the hollow (marked P) west of the wood, and directed them to lie down. They were perfectly masked from the fire of the Fort, but not that of the fleet, for the watchmen at the mastsheads gave notice of their position, compelling Col. De Saussure after a short time, to fall back under a heavy fire, to a less dangerous locality.

Had the intrenched camp, with storehouses and magazines, been made in time, several lives and large quantities of public property might have been saved. But it was impossible to have made this within the short time and with the diminutive forces at my disposal; for on my arrival at headquarters in Beaufort, on the night of the seventeenth of October, the number of troops at Camp Walker was but three hundred and sixty-two, afterwards increased, on the twenty-fourth, to six hundred and twenty-two, by the accession of four companies under Major Jones, of the Twelfth regiment South-Carolina volunteers. To this may be added the engineer force of some sixty men, who, with the soldiers, worked incessantly day and night. As for evidence of what they accomplished, the eight-inch columbiad, on the water-front, was only mounted on the first of November, one eight-inch howitzer in the salient of the south bastion, mounted on the fourth; one thirty-two pounder on the right flank of the bastion, mounted on the fifth; one eight-inch howitzer, mounted on a ship-carriage;

embrasure cut through parapet of demilune; on the night of the fifth covered way and hot-shot furnace for forty-two pounders, constructed of earth and dry masonry—on the morning of the sixth—together with wads of moss and hay for same, splinter-proof, occupying only one half terreplein behind the principal traverse, which was finished on the morning of the engagement, (seventh instant,) the material not having arrived before the fourth instant.

The retreat was commenced about three p.m., toward Ferry Point, about six miles off, Col. De Saussure's regiment and Capt. Read's company of artillery bringing up the rear. At half-past one a.m., by the aid of Com. Tatnall's fleet, the steamer St. Louis and Edisto and three large flats, capable of holding one hundred and fifty men each, the troops were all safely embarked, without provisions; no ammunition but what was contained in the cartridge-boxes, (the one hundred thousand cartridges I had made requisition for, and been anxiously expecting, not having reached us till after the battle.) Fearing that our retreat would be cut off by the enemy's gunboats at Skull Creek, no other alternative was left but to leave the island and concentrate upon the mainland, where we would be enabled to fight the enemy on more equal terms, should he venture beyond the protection of his fleet and attack us there.

The muskets captured by the enemy, with the exception of some ten or fifteen, were those left in the Fort, shattered by shot and shell—others left in camp, belonging to men on sick leave, or to those engaged in heating hot-shot furnaces two days before the fight—and some boxes of arms which had been left on the wharf the night before the battle, belonging to the sick men of Col. De Saussure's regiment, who had been left behind at Lightwood Knot. These could have been saved, with a box of swords, if the captains of the steamers Edisto and St. John's had not refused to take them on board when directed to do so.

To Capt. Tatnall, Flag-Officer of the Confederate States Navy, and the officers and men of his little fleet, I cannot too highly express my admiration of their intrepidity and hardihood in attacking the enemy's gunboats, on the fourth and fifth instant. These encounters, by interrupting their soundings and the location of their buoys, no doubt prevented our being attacked on Tuesday, *the fifth instant, before our reinforcements reached us.* I must also acknowledge the assistance extended to us by the gallant Commodore with his boats on the night of our retreat from the island.

FORT BEAUREGARD.

The attack upon this fort, though not so concentrated and heavy as that upon Walker, was nevertheless very severe. Its armament (see accompanying sketch) was nineteen guns, of which the following, viz:

One eight-inch Rodman, bored to twenty-four-pounder and rifled,

Two forty-two-pounders,
One eight-inch columbiad,

Two forty-two-pounders, reamed to eight inches, and

One thirty-two-pounder, in hot-shot battery,
Were the only guns capable of being used against the fleet.

The force on Bay Point was six hundred and forty men, commanded by Col. R. G. M. Dunovant, Twelfth regiment South-Carolina volunteers. Of the above, one hundred and forty-nine garrisoned Fort Beauregard, under the immediate command of Capt. Stephen Elliott, Jr., Beaufort Volunteer Artillery, Company A, Ninth regiment, South-Carolina volunteers. The infantry force of Col. Dunovant's regiment was intrusted with the protection of the eastern part of the island, and of the defence of the bastion line of the Island Narrows, where an attack was expected from the enemy.

Knowing how small a force Capt. Elliott had to command his batteries, I ordered, as soon as I reached Hilton Head on the fifth instant, Capt. Stuart's company, (Hamilton Guards,) Ninth regiment South-Carolina volunteers, to march upon Fort Walker from Braddock's Point, and take thence the steamer Edisto for Bay Point; but the failure of Capt. Sassare, of the Edisto, to fulfil his appointment at the hour designated, prevented me from supporting Capt. Elliott as I desired. But on Thursday morning, seventh instant, having obtained the steamer Emma, I despatched Capt. Stuart's company in her to Fort Beauregard. The rapid advance of the enemy's fleet, however, to the attack on the batteries cut off and compelled her, at the risk of being intercepted, to turn back and seek shelter in Skull Creek, on the shores of which Capt. Stuart's company safely disembarked, and joined me in the afternoon. And here again was exhibited another act of heroism on the part of our veteran Commodore, who, to save the Emma, interposed his own frail flag-steamers between her and the advancing flag-ship of Commodore Du Pont, drawing upon himself her entire broadside, and thus diverting this huge leviathan temporarily from her course, secured the safety of the Emma at the peril of his own vessel.

The non-arrival of any reinforcements at Camp Walker, until the night of the sixth instant, also prevented me from sending the four companies of the Twelfth regiment, South-Carolina volunteers, under Major Jones, to the support of the other six companies of the regiment at Bay Point.

For the details of the engagement at this port, the notable examples of bravery, the general good conduct, their well-timed retreat, in the direction indicated by the dotted red lines on the map appended, I beg leave to refer you to the official reports of Col. Dunovant and Capt. Elliott. But among the many officers and men honorably noticed on this occasion in the official report of Col. Dunovant, none of them are so justly entitled to well-merited encomiums as Capt. Stephen Elliott, the commander of the Fort. Others may have exhibited an equal amount of cool bravery in

front of the foe, but his opportunities enabled him to surpass all his brother officers in the skilful arrangement of his defences, superb condition of his batteries, and in the high discipline which he had imparted to his model company, the creation of his own indefatigable exertions.

The delays and dangers incident to the manner in which troops and supplies of all kinds were landed at the forts of Port Royal, and the absence of all means of retreat in case of disaster, had attracted my most serious attention immediately after I assumed command at Beaufort. On the evening of the seventeenth ult., I immediately took steps for remedying the first and providing for the latter.

With the double object of landing supplies in all weather, at Bay Point, and at the same time of furnishing the means of retreat beyond the range of the enemy's guns, I directed one of my volunteer aids, T. R. S. Elliott, to make an examination of the adjacent creeks to the north of the Fort. He reported that about three miles from Moss Creek there was a depth of water sufficient for steamers drawing seven feet, at low water; and that from thence a causeway of three hundred yards over the marsh might easily be made, and furnish a sure means of transportation, and thus avoid the losses and delays which had previously occurred in landing from the steamers into flats upon the beach.

From the point above indicated, in Moss Creek, flats were to have been provided, and stationed to convey the soldiers, in case of emergency, across the creek; thence, by land, to Station Creek, where other flats were to be placed for the same object as at Moss Creek; landing at St. Helena, the transit to Whitehall Ferry, opposite Beaufort, was comparatively safe.

On Hilton Head I also commenced repairing the wharf at Seabrook's Landing, on Skull Creek, with a view of transporting stores to Fort Walker, when the weather was too boisterous to land them in the surf. The completion of the wharf was prevented, however, by the unexpected attack of the enemy. Though in its incomplete state, it had been put to successful use.

I succeeded, however, in obtaining from Charleston two flats and two troop-boats, and from Savannah three large flats, capable of containing one hundred and fifty men each, which reached Jenkins's Island Ferry in time to assist in embarking our troops on the night of the retreat. Three other smaller ones were sent at the same time to Whitehall Ferry, which assisted in performing the same good offices to Col. Donovan's command. The rest of the scheme, for want of time and flats, could not be carried out in the manner I intended.

For the purpose of sending messages between Forts Walker and Beauregard, and thence to my headquarters at Beaufort, I had prepared, by the assistance of Capt. Lynch, another of my aids, a number of signal-flags, the designs of which had already been prepared and painted, and only needed a few more days to have been put in operation.

In alluding, as I have, to these matters, I do

not mean to reflect upon any person, as to say these pressing wants could have been supplied anterior to the period when I entered upon my new duties. My design has been to exhibit the condition in which I found my command, and to show that I have left no effort untried to improve it.

Notwithstanding the prompt measures adopted by Col. Dunovant to effect his retreat in the direction of the Narrows, it is surprising, that with the knowledge possessed by the enemy (through Mr. Boutelle and others connected with the Coast Survey) his retreat had not been intercepted by gunboats passing up towards Beaufort, and mine by other steamers making the passage through Skull Creek, towards the ferry landings. Why they did not adopt this course must be left to time to explain.

CASUALTIES.

The following is a correct list of the killed, wounded, missing and taken prisoners:

Killed in Fort Walker,.....	10
Wounded in Fort Walker,.....	20
Killed in Col. De Saussure's Fifteenth regiment South-Carolina volunteers, ...	1
Wounded severely,.....	15
Wounded in Fort Beauregard, ...	13

Total killed and wounded,.....	50
Missing,.....	4
Taken prisoners, sick in hospital,.....	3

Total killed, wounded, missing and taken prisoners,..... 60

The heads of the quartermaster's and commissary's departments, Major E. Willis and Capt. C. D. Owens, have discharged their several duties with economy and fidelity. The reports hereunto appended of these officers and their assistants, show how unwearied and earnest were their efforts to save the public property left at the headquarters at Beaufort. I must likewise make honorable mention of Col. W. C. Heyward, Ninth regiment South-Carolina volunteers, who commanded in Fort Walker and its vicinity, and who, during the battle, made the best use of the means at his disposal. Col. John A. Wagoner, First regiment artillery, South-Carolina militia, supported by Major Arthur M. Huger, of the same regiment, was placed in the immediate command of all the batteries, nine of which, upon the water-front, were manned by the German artillery companies A and B, Captains Harms and Warner, First regiment of artillery, South-Carolina militia, all of whom fought under the flag of their adopted country with an enthusiasm which could not have been surpassed, had they been fighting in defence of their own fatherland.

The remaining four batteries on the left flank of the water-front, were under the direction of Capt. Bedon, Ninth regiment South-Carolina volunteers; the flanking and rear guns of the Fort were manned by detachments from Captains Hedon's, Cannady's and White's companies, Ninth regiment South-Carolina volunteers. Major F.

D. Lee, South-Carolina engineers, and constructing engineer of Fort Walker, not only fought gallantly at the batteries, but afforded valuable assistance at other points in the work during the contest.

Capt. Joseph A. Yates, battalion South-Carolina artillery, and acting ordnance officer, was zealous in the execution of all the duties assigned to him. Towards the close of the fight he was severely wounded, but has since recovered, and is again ready in another field, to resist all marauders that approach our shores.

Dr. Ogeer and his able assistants, Drs. W. C. Ravenel and William Elliott, a volunteer from Savannah, Georgia, were present, and rendered efficient service in the hospitals. I cannot but regret the painful wound which has been the cause of the resignation of Dr. Ogeer as Medical Director in my medical district.

In conclusion, I cannot but express my high appreciation of the gallant behavior of my aids, Captain Henry E. Young, and Lieut. J. E. Drayton; as also that of the gentlemen composing my volunteer staff, Captains L. Cheeves, H. Rose, E. Lynch, J. E. Eddings, J. J. Middleton, Jr., and Joseph M. Huger.

The names of the officers and men not mentioned in my report will be found deservedly mentioned in the official reports of the colonels of regiments, commandants of batteries and chiefs of the general staff.

I have the honor to be,

Respectfully yours,

THOMAS F. DRAYTON,

Brigadier-General Commanding.

[Official]

JOHN WITHERS,

A. A. General.

HEADQUARTERS DEPARTMENT SOUTH-CAROLINA, }
CHARLESTON, November 17, 1861. }

It may be proper to remark upon the within report, there are probably some inadvertent inaccuracies—or to give a report of movements and orders from these headquarters, and instructions given after news was received that the enemy's fleet was intended for Port Royal, and how they were carried out and followed. I deem, however, that no good would result to the service from a discussion of these points at this time, and requesting that, should it be thought proper to publish this report, it should be published with this endorsement. It is respectfully forwarded,

R. S. RIPLEY,

Brigadier-General Commanding.

Doc. 31.

SOUTHERN RIGHTS ASSOCIATION.

The following documents were found among other papers at Beaufort, S. C., on November twentieth, 1861, by the officers of the gunboat R. B. Forbes, in the office of Charles E. Bell, Esq., a prominent lawyer of that town.

MINUTES OF THE PROCEEDINGS OF THE SOUTHERN RIGHTS ASSOCIATION OF ST. HELENA PARISH.

At a meeting of the citizens of St. Helena Parish, held in Beaufort, on the twenty-fifth day of

October, 1850, for the purpose of organizing a Southern Rights Association, Edmund Rhett, Esq., was called to the chair, and John H. Baker, Esq., requested to act as Secretary.

The Hon. R. De Treville, Chairman of a Committee, appointed for the purpose, at a preliminary meeting, offered the following Resolutions and Constitution, as setting forth the circumstances which rendered such an association expedient, explaining its objects, and containing a system of rules proper for its organization, which were unanimously adopted:

We, the people of St. Helena Parish, sensible of the wrongs inflicted upon the South, by the action of the Federal Government, controlled as it now is by a fanatical majority; and conscious of the necessity of resistance to secure ourselves from further and more enormous encroachments, have determined to form ourselves into an Association for the protection and defence of our rights, honor and institutions.

We do therefore now solemnly declare that we will, with all the means the God of Nature has given us, sustain any action the State may take in resisting the encroachments of the Government of the United States upon the rights, the interests, or the honor, of the slaveholding States of this Union; and that we respond fully to the sentiments entertained and expressed in the resolutions adopted by the Richland Association, at the time of its organization, as follows:

Resolved, That the persevering and systematic assaults made by the non-slaveholding States, and by the representatives of their people in the Congress of the United States upon the property and feelings of the slaveholding States, render it necessary and expedient that the latter should adopt measures to arrest the grievances, and secure to themselves that *peace and safety*, the enjoyment of which is the object of all government.

Resolved, That these attacks upon our honor and our interest subject us to insult and injury, under which no government is worth preserving, and to avoid which any danger should be encountered.

Resolved, That firm and concerted action is necessary for the protection of the slaveholding States from the dangerous aggressions of the non-slaveholding States, and the unconstitutional action of the Congress of the United States.

Resolved, That the people of St. Helena Parish are now and always will be ready to obey the call of the authorities of South-Carolina, to resist all such encroachments upon the rights, the interests, or the honor, of the slaveholding States of the Union.

Resolved, further, That we now form an Association with the following

CONSTITUTION.

Article 1. The name of this Association shall be "The Southern Rights Association of St. Helena Parish." Its object shall be to organize more effectually the people of St. Helena Parish in support of Southern interests, to insure concert of

action among the citizens of this and other Southern States, for the vindication of their rights, to maintain the Federal compact in its original purity and simplicity, as the only means of preserving the Union; and to support the State authorities in any measure South-Carolina may adopt for her defence, or that of her sister States, against the injustice and aggressions of those of the North.

Art. 2. Every friend of the South shall be considered a member of this Association, upon signing these rules.

Art. 3. The officers of this Association shall consist of a President, three Vice-Presidents, a Recording Secretary, two Corresponding Secretaries, and a Treasurer, to be chosen annually, at the anniversary of the Association.

Art. 4. There shall be a "Committee of Safety" annually appointed, to consist of fifteen members, for this parish, whose duty it shall be to consider all communications relating to the objects of the Association, to call extra meetings whenever five of their number may request the President, or, in his absence, a Vice-President, to do so, and to prepare and lay before the meetings such information and reports as they may deem important. The President, Vice-President, Secretaries and Treasurer, shall be ex-officio members of the Council.

Art. 5. There shall be regular meetings of the Association on the second Monday in January, April, July and October, in each and every year.

Art. 6. The Association shall appoint Delegates to other Southern Rights Associations, Conventions and Mass-meetings, whenever the Council of Safety may deem it expedient for its interests and purposes.

Art. 7. The Association shall continue in existence, and persevere in its efforts, until the wrongs of the South are redressed, and the Federal Constitution restored to its original purity, or the State resume the powers heretofore delegated to the United States for special purposes.

The persons present at the meeting having then signed the original Constitution, of which the above is a copy, proceeded immediately to the election of officers, and the following gentlemen were chosen by acclamation:

President—Hon. R. W. BARNWELL.

Vice-Presidents—Hon. R. DE TREVILLE, Capt. JOHN FRIPP, EDMUND RHETT, Esq.

Recording Secretary—Dr. THOS. TALBIRD.

Corresponding Secretaries—Wm. H. TRESKOT, Esq., Jos. DANIEL POPE, Esq.

Treasurer—JOHN M. BAKER, Esq.

The meeting then adjourned.

EXTRA MEETING, 1ST NOVEMBER, 1850.

At an extra meeting, held this day at the Arsenal, the Association was called to order by the President, who then stated that the immediate object of this meeting was to complete the organization of the Association, by the appointment of the "Council of Safety" for the first annual term, and he appointed the following gentlemen:

COUNCIL OF SAFETY.

For St. Helena Island.

Jos. J. Pope, Sen.,
Jos. D. Edings,
Daniel Jenkins,
Edgar Fripp,
F. O. P. Fripp,
Dr. J. A. P. Scott.

For Beaufort.

Jos. Hazel,
John G. Barnwell,
George P. Elliott,
F. F. Sama,
B. I. Johnson,
T. O. Barnwell,
Wm. H. Cuthbert,
A. M. N. Cunningham,
Dr. John N. Johnson.

On motion by Edmund Rhett, Esq., it was

Resolved, That the President, the Hon. R. W. Barnwell, be requested, as soon after his return from the Nashville Convention as may suit his convenience, to embody his views on the position and prospects of the South at the present crisis, in a form suitable for publication, and that they be printed by this Association.

On motion by the same gentleman, it was also

Resolved, That the Treasurer be authorized to receive voluntary contributions from the members of this Association, to assist the Southern Rights Association of Charleston in the printing and circulation of pamphlets and other publications, and instructed to forward the amount so obtained to the proper officer of the said Association.

On motion of Capt. John Fripp, it was further

Resolved, That the Treasurer be authorized and instructed to receive contributions, which shall in all cases be entirely voluntary, for the use of this Association.

The Association then adjourned.

REGULAR MEETING, 13TH JANUARY, 1851.

In the absence of the President, the Association was called to order by Vice-President Capt. John Fripp. The minutes of the last meeting were read and confirmed.

On motion by Joseph Daniel Pope, Esq., it was

Resolved, That, as a portion of the people of South-Carolina, we are now and ever will be opposed to the late measures of Congress, known as the "Compromise of 1850;" that we consider them unjust, unconstitutional, and degrading to the South; that they indicate a settled determination on the part of the North, not only to interfere with our property, but to deprive us of all political power in the Union; and that, in the language of Judge Cheves, we will agitate, agitate, agitate this question, until we shall finally dissolve all political connection with the North, and establish a government at the South with new guards for our future security.

Resolved, That we cordially approve of the action of the Legislature of South-Carolina at its late session; that we consider its deliberations as characterized by firmness, tempered with prudence; that we approve of the increase of the taxes, as demanded by the exigency of the times, and as necessary to such military and other preparations as we may require; that we approve of the call of the Convention of the State, to de-

liberate and determine upon the final course that South-Carolina should adopt, and of a Southern Congress, to secure, if possible, the united action of the South—this being, above all things, of the first importance, we should use every means in our power to secure it.

And on motion of William H. Trescot, it was further

Resolved, That while we are willing to act with the South in any way that the South will declare she is ready to act, we believe and are resolved by our action to manifest our belief that in the crisis that has come, the trust of South-Carolina is, under God, in herself.

With reference to a resolution adopted at the last meeting, the Treasurer reported that he was still receiving contributions for the use of the Publishing Committee of the Southern Rights Association of Charleston, but as the contributing members had not all paid up their subscriptions, he had not yet in his hands a sum of sufficient importance to be remitted. There being no other business before the Association, the meeting was adjourned.

EXTRA MEETING, 10TH MARCH, 1851.

The Association was called to order by the President, and in the absence of the Recording Secretary, John M. Baker, Esq., acted as Secretary. The President then stated that he had called this meeting for the purpose of laying before the Association an invitation from the S. R. Association of Orangeburg, to send delegates to a Convention of Associations, to be held at Columbia on the second Monday in May next, and also an invitation from the S. R. Association of Charleston, to send delegates to a similar Convention, to be held in Charleston, on the first Monday in May next.

These communications having been read to the meeting, on motion of Jos. D. Pope, Esq., it was

Resolved, That we deem it expedient and proper, and hereby recommend the assembling of a Southern Rights Convention in Columbia, on the second Monday in May next, and that the said Convention be composed of delegates sent from each Southern Rights Association in the State, in order to promote a more effective organization within our own limits, and secure a greater unity of feeling and action throughout the South. Secondly,

Resolved, That a Committee of five be appointed to select five gentlemen, to represent this Association in the said Convention.

Under the second resolution the President appointed a Committee, consisting of the following gentlemen: J. D. Pope, Capt. John Fripp, Col. R. de Treville, Capt. B. R. Bythewood, and Capt. J. G. Barnwell; who, after a short consultation, reported the following nomination for delegates: the Hon. R. de Treville, Dr. J. A. P. Scott, Col. G. P. Elliott, Jos. D. Pope, Wm. H. Trescot; which nomination was unanimously confirmed.

There being no other business before the Association, the meeting was adjourned.

REGULAR MEETING, MONDAY, 14TH APRIL, 1851.

In the absence of the President, the Association was called to order by Vice-President Edmund Rhett, Esq., the minutes of the last two meetings were read and confirmed, and the following preamble and resolutions, as adopted and published by the Southern Rights Association of Orangeburg, were read:

Whereas, A Convention of the S. R. Association of the State has been proposed by this Association, to be held at Columbia on the second Monday in May next, and a similar Convention has been proposed by the S. R. Association of St. Philip's and St. Michael's, to be held at Charleston, on the first Monday of the same month; therefore,

Resolved, That to avoid any embarrassment which may arise from conflicting proposals, and to promote harmonious action, this Association withdraws its proposals of a general Convention of the S. R. Associations of the State at Columbia, and will send delegates to the Convention proposed to be held in Charleston in May next.

Resolved, That the Committee of Correspondence be instructed to communicate the foregoing preamble and resolution to such Associations of the State as have accepted the proposal made by this Association.

[Signed]

J. W. TAYLOR,

HENRY ELLIS,

Secs. of O. S. R. Assn.

After the reading of the above, H. M. Stuart, Esq., offered the following preamble and resolution, which were unanimously adopted:

Whereas, The Orangeburg S. R. Association has withdrawn its proposal that a Convention of the S. R. Associations of the State be held at Columbia, in favor of a proposal made by the S. R. Association of St. Philip's and St. Michael's, that a similar Convention be held in Charleston on the first Monday in May next; therefore,

Resolved, That the delegates appointed by this Association, at its last meeting, to the Convention proposed to be held at Columbia, be requested to attend instead that to be held in Charleston.

There being no other business, the meeting was adjourned.

REGULAR MEETING, MONDAY, 14TH JULY, 1851.

The Association was called to order by the President, and the minutes of the last meeting were read and confirmed.

The Chairman of the Council of Safety reported that a requisition had been made upon him by the Central Committee for the names of the Committee of Safety of this Association, which he had furnished accordingly.

The Treasurer reported that under a resolution passed eleventh November, 1851, authorizing him to receive contributions to assist the S. R. Association of Charleston in printing and circulating tracts, etc., he had collected a small sum

On motion of Edmund Rhett, Esq., it was then

Resolved, That the Treasurer be instructed to pay over the amount collected by him to the Chairman of the Council of Safety of this Association.

There being no other business, the meeting was adjourned.

EXTRA MEETING, MONDAY, 15TH SEPTEMBER, 1851.

In the absence of the President, the meeting was called to order by Col. R. de Treville, First Vice-President, and Charles E. Bell, Esq., acted as Secretary.

The Chairman of the Council of Safety stated that under the instruction of the Constitution, he had called this meeting for the purpose of appointing Delegates to represent this Association in the Convention to be held at Walterborough, on the twenty-fifth instant, for nominating candidates for the Southern Congress in the VIIth Congressional District.

He also read a letter from the Hon. R. W. Barnwell, resigning his office as President of the Association, which resignation was, on motion of Edmund Rhett, Esq., accepted.

On motion of Capt. J. G. Barnwell, it was

Resolved, That the Chairman do appoint a Committee of Five to nominate delegates for the Convention about to be held at Walterborough.

Under this resolution, the following gentlemen were appointed: J. G. Barnwell, J. A. Johnson, R. Reynolds, J. M. Baker, and Edgar Frapp—who, after consultation, nominated the following as delegates: Geo. P. Elliott, Wm. H. Cuthbert, Wm. H. Trescott, Daniel Jenkins, and John Frapp, and the Association unanimously confirmed this nomination.

On motion of Col. George P. Elliott, it was

Resolved, That the Constitution of the Association, with the names of the signers, be read to the meeting. This was done accordingly.

On motion of Robert Chisolm, Esq., it was

Resolved, That a Committee, to consist of three, be appointed by the President to draft resolutions approving of the action of the Convention, held in Charleston in May, to be laid before this Association at its anniversary meeting.

Under this resolution, the following gentlemen were appointed: Edmund Rhett, Samuel Prioleau, and Jos. Hazel.

On motion of G. P. Elliott, it was

Resolved, That the letter of the Hon. J. K. Paulding, to a Southern Rights Meeting, in Charleston, be read to this Association.

Which was done accordingly.

On motion, the Association was then adjourned until the second Monday, thirteenth October next.

On motion of J. D. Pope, it was

Resolved, That the minutes be amended as follows:

Resolved, That in case of the inability of any of the delegates appointed to attend the Walterboro' meeting, to be present at such meeting, the President do appoint others in their place.

ANNIVERSARY MEETING, MONDAY, 13TH OCTOBER, 1851.

The meeting was called to order by Col. R. de Treville, First Vice-President, and Charles E. Bell, Esq., acted as Secretary.

The President informed the meeting that under the instruction of a resolution, passed at the last meeting, he had appointed R. Chisolm and Sam'l Prioleau, Esqs., to attend the Walterboro' meeting, of twenty-fifth September last, in place of Messrs. John Frapp and Dan'l Jenkins, who declined attending.

Edmund Rhett, Esq., Chairman of the Committee appointed to draft resolutions approving of the Charleston Convention, held in May last, presented the following resolutions:

Resolved 1st. That we approve of the proceedings of the Convention in May last, as a faithful response to the voice of their constituents.

Resolved 2d. That we approve of the resolutions submitted to that body, by the Delegation of this Association, recommending the early withdrawal of the State from the Federal Union, as the only practicable remedy for our wrongs, and that events of a later date in the neighboring States confirm us in the necessity of that determination.

Resolved 3d. That in recommending to the constituted authorities of State, the adoption of this last resolution of an oppressed, disparaged, and outraged people, we are so far from being conscious of recommending anything inconsistent with the original purpose of our organization and the vindication of Southern rights on the largest basis, that in our judgment separate State secession is the most certain and authentic measure for securing that coöperation of our sister States, which have been so anxiously sought by us all, and hitherto in vain.

Resolved 4th. That we are not without hope that when the day for action comes, party differences will be buried, and that there will be a cordial move of all hearts and arms in the defence of our altars, families, and soil.

The Association unanimously adopted these resolutions.

Col. Elliott reported that the delegates to Walterboro' had joined in nominating the Hon. R. Barnwell Rhett and Dr. G. W. Duncan candidates for the Southern Congress, which nomination was confirmed by the Association.

The following communication was handed to the Association, and on motion of Edmund Rhett, Esq., it was ordered that it be entered on the minutes, and its prayer be granted. It reads as follows:

To the S. R. Association of St. Helena Parish:

We, the undersigned, members of the S. R. Association of St. Helena Parish, do hereby declare that in our opinion, the objects of the Association are these, and these only, as set forth in the following words of its Constitution: "To organize more effectually the people of St. Helena Parish, in support of Southern interests; to ensure concert of action among the citizens of this and

other Southern States for the vindication of their rights; to maintain the Federal compact in its original purity and simplicity, as the only means of preserving the Union, and to support the State authorities in any measure South-Carolina may adopt for her defence or that of her sister States against the injustice and oppression of those of the North." That these words, so far from giving any sanction or encouragement, either directly or by implication, to the separate secession of the State, seem, on the contrary, to condemn it as subversive of the main object of the Association—the union of the South in an organized resistance to Northern aggressions; that we look upon the action of this Association, for effecting any object not provided for in its Constitution, or its adhesion to any party so as to use its influence in elections within the State, as a perversion of the Constitution, and unjust to members opposed to such action, and that we regard the late proceedings of this Association, as well as those of the Charleston Convention approved of by this Association, as intended to promote the cause of separate secession and the success of the secession party, they turning the Association from its true and original purposes, and causing it to assume the character of a mere party organization.

In view of these things we feel it to be inconsistent with our principles to give the sanction of our names to acts of an Association which we regard as contrary to the spirit of its Constitution, and injurious to the true interest of South-Carolina and the South, and, therefore, while we deplore the necessity which makes it our duty to take this step, and declare our unabated devotion to the cause of Southern Rights, and our determination to use our utmost efforts to carry out what we deem to be the true objects of the Association, namely, to promote concert of action in this and other Southern States, so as to maintain our rights in the Union, or prepare for a separate Confederacy out of it. We hereby tender our resignation as members of the States Right Association of St. Helena Parish, and request that our names be stricken from its Constitution, and these our reasons for so doing be entered in the minutes of its proceedings.

R. W. BARNWELL,	J. S. TYLER,
THOMAS TALBIRD,	ROBERT J. ADAMS,
STEPHEN ELLIOTT,	WILLIAM HOWLEY,
JOHN M. FRIPP,	M. SCOTT,
WM. FRIPP, Sen.,	C. K. OSGOOD,
PHILIP GIVENS,	SAM. C. CATHERWOOD,
F. G. FRASER,	H. SLAWSON, Jr.,
E. J. DURBAN,	E. A. BLOUNT,
JOHN MILNE,	E. B. JONES,
WM. FULLER,	G. A. MANN,
AUG. L. AIMAR,	J. E. LAMBETH,
CHARLES SCHULTZE,	JOHN E. TALBIRD,
FRANK TALBIRD,	B. W. BARNWELL,
T. J. WELLS,	M. P. O'CONNOR,

J. J. T. POPE.

Their names have been struck out, and they are no longer members of that Association.

The Association then proceeded to elect officers for the second annual term. Dr. Jacob

Guerard was called to the chair, and, on motion, appointed the following gentlemen a Committee to nominate officers, namely: Messrs. J. D. Pope, Robert Chisolm, T. H. Spann, and Nath. Heyward. After a short consultation, they nominated the following gentlemen, which nomination was unanimously confirmed by the Association:

President—Hon. R. DE TREVILLE.

Vice-Presidents—Capt. JOHN TRIPP, EDMUND RHETT, J. D. GUERARD, Esqs.

Recording Secretary—CHARLES E. BELL, Esq.,

Corresponding Secretaries—WM. H. TRESCOT, JOS. D. POPE, Esqs.

Treasurer—JOHN M. BAKER.

The President then appointed the Council of Safety, which consisted of the following gentlemen:

For St. Helena Island.

Joseph D. Edings,
Daniel Jenkins,
Edgar Fripp,
W. O. P. Fripp,
Dr. J. A. P. Scott,
Dr. W. J. Jenkins.

For Beaufort.

George P. Elliott,
Joseph Hazel,
John G. Barnwell,
F. F. Sams,
B. J. Johnson,
W. H. Cuthbert,
T. G. Barnwell,
A. M. N. Cunningham,
Dr. Jno. A. Johnson.

There being no other business, the meeting adjourned. C. E. BELL, Secretary.

Monday, October 24, 1851.

An extra meeting of the St. Helena Parish S. R. Association, was held this day, and a very full meeting was convened in the Market House. The Hon. R. de Treville, President, in the chair, called the meeting to order, and in the absence of Charles E. Bell, Esq., Secretary, D. L. Thompson was requested to act in his place.

The President briefly stated the object of the meeting, when Edmund Rhett, Esq., offered as follows, namely:

Resolved, That this Association do send delegates to the Central Southern R. Convention, to be held in Columbia, on the first Monday in November next.

Capt. Edward Barnwell, in seconding this resolution, made a few appropriate remarks, giving his reasons for supporting Mr. Pope; Mr. Rhett and Mr. Chisolm addressed the meeting in reference to the foregoing resolution, which was then put to vote and carried, and the following delegates accordingly appointed, namely: Capt. E. Barnwell, Edmund Rhett, Wm. H. Trescot, and Robert Chisolm. William Henry Trescot, Esq., offered a preamble and resolutions, which were seconded by Joseph Daniel Pope, Esq., and unanimously agreed to, as follows:

The Southern Rights Association of St. Helena Parish have learned, with deep mortification, the result of the late election in the State. They feel that the safety of Carolina is perilled and the honor of Carolina compromised. Conscious that, in common with the minority of the State, they have striven to make good the resolution avowed but a few months back by the indignant enthusiasm of what seemed to be an united people, they acknowledge, with an open and manly grief, the de-

feat which no action of theirs could have prevented, and no weakness of theirs has deserved. Untaught even now to submit, they will, at least, learn to endure. But they will hope that this bitter endurance is not destined to last forever. The incongruous alliance which won the victory, will scarcely regulate its results in peace. Already has the *Greenville Patriot*, the representative press of a coöperation majority of over three thousand, in language characterized by the *National Intelligencer* as "Truth, fitly and bravely spoken," declared "it is high time for the coöperationists, while fighting secession and knowing that it will bring down on the State nothing but disaster, ruin, and dishonor, to close their exaggerated misrepresentations of the oppressions of the Federal Government. They cannot, at the same time, go with the secessionists and beyond the secessionists in depicting the pretended misery and degradation of the people of South-Carolina, and then ask them to be quiet and submit to it till other States come to their aid, who have already declared, by overwhelming majorities, that they never will come under existing circumstances. These pictures of our wrongs are untrue, and everywhere out of South-Carolina they have been pronounced untrue by the Southern people." Nay, this wing of the coöperation party goes even further, and, as if to force upon attention the consistency of their action with Cheves, and Barnwell, and Butler, exclaims: "We are a happy and prosperous people, and feel no tyranny or oppression." Time will very soon determine which is the predominating influence in the coöperation party of South-Carolina, and when the State has discovered her real foes, she will not be long in finding her true friends. In the mean time, be it

Resolved, That as the recent election has placed the character and interests of the State in the hands of the coöperation party, we earnestly pray that this solemn responsibility be accepted and discharged in a spirit of earnest and undivided devotion to our beloved State.

Resolved, That, ignorant as we are necessarily of any system of policy on the part of the coöperationists, we will yet never desert the State in any contest she may commence; and we pledge ourselves to her support in any forward step she may take in the redress of wrongs of which she has not ceased to complain, and the maintenance of rights which she has not ceased to claim.

The following resolution was offered by Joseph Daniel Pope, Esq., and unanimously adopted:

Resolved, That the preamble and resolutions just adopted, be presented by our delegates to the Convention of Associations to meet in Columbia, on the first Monday in November next, as an expression of opinion by the Southern Rights Association of St. Helena Parish.

On motion, it was ordered that the proceedings of the present meeting be published in *The Charleston Mercury* and *South-Carolinian*.

There being no other business before the Association, the meeting was adjourned.

D. L. THOMSON,
Secretary pro tem.

The following are the names signed to the Original Constitution of the Southern Rights Association of St. Helena Parish:

J. A. P. Scott,	W. A. Chaplin,
E. M. Capers,	William Fuller, Jr.,
C. B. Capers,	William Adams,
W. O. T. Fripp,	George B. Cuthbert,
Charley E. Bell,	John S. Barnwell,
Joseph J. Pope, Sen.,	James S. Perry,
David McElheran,	B. J. Johnson,
Frank Sams,	H. C. Pantiss,
Robert de Treville,	A. H. Seabrook,
Richard de Treville,	P. Hamilton,
John H. Webb,	Joseph R. Walker,
John G. Barnwell,	Saxby Chaplin,
William H. Trescot,	C. Barnwell,
James T. E. Fripp,	Isaac Haskell,
William T. Jones,	A. H. McTureous,
John J. Smith,	J. W. McTureous,
D. L. Thomson,	Benjamin M. McTureous,
John Fripp,	Thomas B. Fripp,
John M. Baker,	John E. Fripp,
John Milne,	Joseph J. Chaplin,
William A. Morcock,	Richard Chaplin,
M. T. Chaplin,	J. W. Patterson,
Thomas G. Barnwell,	J. S. Oswald,
J. J. Guerard,	Horace H. Sams,
B. R. Bythewood,	Joseph J. Porter,
D. D. Cox,	A. McNair Cunningham,
Peter Brunson,	George P. Elliott,
J. N. Vendier,	J. F. Johnson,
B. W. Homan,	Edward Barnwell,
John F. Chaplin,	D. B. Patterson,
Thomas O. Barnwell,	W. I. Jenkins,
A. S. Cardwell,	Joseph Guerard,
Samuel Prioleau,	M. M. Zealy,
W. J. Bythewood,	James Fripp,
Robert Chisolm,	R. Randolph Sams,
William T. Potter,	J. E. L. Fripp,
Henry McKee,	M. B. Sams,
Edward Fripp,	C. B. Kirk,
Andrew Johnson,	John F. Porteous,
Stephen G. Ellis,	William Fripp, Jr.,
Charles Morgan,	W. J. Grayson, Jr.,
Thaddeus S. Torn,	Abm. Cockwright,
John A. Johnson,	J. D. Guerard,
H. E. Bold,	John F. Chaplin, Jr.,
Joseph J. Barnett,	Alexander R. Norton,
Thomas F. Rhodes,	David Wilson,
J. T. Harvey,	Thomas N. Slawson,
John Bell,	R. R. Sams, signed already.
Edgar Fripp,	L. Cuthbert,
James J. Chisolm,	T. W. Hazel,
Joseph Daniel Pope,	Stephen Elliott, Jr.,
W. W. Fripp,	Charles G. Capers,
James S. Perryclear,	Middleton Stuart,
Daniel Jenkins,	John E. Poyas,
William H. Cuthbert,	W. J. Albergoth,
T. A. Bell,	Bretandieu, dead,
Daniel P. Jenkins,	Thomas R. S. Elliott,
William E. Perryclear,	Haskell S. Rhett,
Joseph Hozell,	Rev. C. O. Lamoter,
John A. Stuart,	W. Wright Elliott,
John J. Rhodes,	William J. de Treville,
Thomas S. Baynard,	James S. Perry,
Stanhope A. Sams,	John H. McKee,
R. W. Rhodes,	William Adams,
Lewis A. Johnson,	Benjamin Adams,
Edmund Rhett,	Thomas B. Chaplin,
J. F. Bythewood,	Arthur S. Gibbs.
T. H. Spann,	

—N. Y. Tribune.

Doc. 32.

SPEECH OF CARL SCHURZ

AT COOPER INSTITUTE, N. Y., MARCH 6, 1862.

I HAVE not come here to plead the cause of a party, for in looking around me, I become doubtful whether I belong to any; nor with a desire to gain the favor of those in power, for in this respect I have nothing to gain and much to lose; nor to flatter the multitude, for I know well that much of what I am going to say will expose me to acrimonious obloquy and vituperation; nor do I even think that the remarks I am going to make will exactly fit the line of argument followed in the resolutions presented to your consideration. I mean to speak the truth as I understand it; I shall give you my own ideas, such as they are. I have travelled far to obtain this audience of the people, for your invitation encountered my desire; and shunned no inconvenience, sacrifice, or responsibility. So you may conclude that I am in earnest. Of you I ask to lay aside to-night your party prejudices and passions; for this hour let your preconceived opinions be silent. I shall speak to you from the very depth of my profoundest convictions; listen to me as one sincere patriot will listen to another. [*Cheering.*]

Many of us will have to confess that the present state of things is contrary to their first anticipations. Eighteen months ago we did not expect that the people of the South would be so ready to rush into the suicidal course of open rebellion; nor did the people of the South, when they took the fatal step, expect that the people of the North would resist the treasonable attempt with so much determination and unanimity. In this respect the calculations of leading men on both sides proved erroneous. But this lies behind us, and we have to deal with the nature and exigencies of the actual situation as it is. We are in open civil war. A numerous population, holding a very large portion of our country, is in arms against the Government; the rebellion against the constitutionally established authorities is organized on the largest scale. The avowed aim and object is to disrupt the union of these States, and to secure for the people of some of them a separate national existence. The first steps taken in that direction were successful; a separate Government, claiming to be independent of the Union, was established; it now defends itself with armed force against the lawful authorities of this Republic.

This is, in a few words, the actual situation of things. It presents us a twofold problem: first, to put down the rebels in arms, and then to restore the Union. The first is a military problem, the second a political one. They are, in my opinion, so distinct from each other that I can well conceive how the first can be successfully solved, and how, at the same time, in attempting to solve the second, we can completely fail. As to the first, I will say but little. After serious disasters and a long period spent

in preparation, our brave armies have achieved great successes, which by some are considered finally decisive. I have heard it said that the war is practically ended. I must confess, I am not of that opinion; but although I might endeavor to show you that the rebels, however severely pressed at the present moment, have an immense country to fall back upon, in which their armies, if they succeed in escaping from the Border States, may prolong the struggle for a considerable period; that difficulties of which at present we form no adequate idea await our victorious columns as they advance upon the soil of the enemy; that this prolongation of the war may bring great embarrassments upon us, financial distress, and, in case of a serious reverse to our arms, even difficulties with foreign Powers, and that, in such an emergency, all the energy and patriotism which live in this American people will be put to the severest test—although I might show you all this, and warn you not to abandon yourselves too securely to deceitful illusions, yet I will drop this subject.

It would, perhaps, be useless in this hour of triumph to speak of apprehensions which, indeed, may and may not be justified by coming events. I am willing to suppose for the present, that fortune will smile upon us as constantly as many seem to anticipate, and that a speedy and complete military success will be gained, even if we confine ourselves strictly to the ordinary means of warfare. But the nearer we approach this end, the greater are the proportions to which rises before my mind the other problem which this very victory thrusts upon us. To a despotic government, the suppression of a rebellion and the reestablishment of the old order of things are one and the same. It sends its armies into the field, it beats the insurgents, disperses them, captures them, forces them to lay down their arms: now the military power of the rebellion is crushed, and the second part of the task begins, which consists in maintaining the authority so established. The despotic government prevents and suppresses the utterance of every adverse opinion; it executes or imprisons every refractory individual; it encounters by summary proceedings every hostile intention, and while establishing by a system of constant and energetic pressure a state of general and complete submission, it restores at the same time the condition of things originally existing before the rebellion broke out. It can do all this without changing its attributes in the least, for the means it uses for suppressing the rebellion, and afterward for crushing out the rebellious spirit, are in perfect consonance with the fundamental principles upon which its whole system of policy rests. It is the rule of absolute authority and force on one side, and absolute submission to this rule on the other. The same agencies which put down the rebellion, the same operate in maintaining the reestablished authority, and all this in perfect keeping with the original nature of the whole political system.

But our case is widely different. Our system of government does not rest upon the submission of the people, but upon the free and independent coöperation of the individual. We have indeed a supreme authority, but this authority proceeds directly from the people, and works through the people. Our Government may indeed suppress a rebellion by force; but, in order to restore the working of the original agencies upon which it rests, it is obliged to restore the individual to his original scope of self-action. If it attempted, after having suppressed a rebellion, to maintain its authority permanently by the same means by which it reëstablished it; that is to say, by a constant and energetic pressure of force, it would not restore the old order of things, but completely subvert its original basis; for the means by which it was obliged to suppress the rebellion are in direct contradiction to the fundamental principles of our Government. In order to restore these principles to life, the Government is obliged to trust its authority to the loyal action of the people. There is the embarrassment which a rebellion in a democratic republic will necessarily produce. What does it mean, the restoration of the Union? It means the restoration of individual liberty in all its parts, and of that ramification of political power in which self-government consists. If it meant any thing else, if it meant the permanent holding in subjection of conquered provinces, if it meant the rule of force, if it meant the subversion of those principles of individual liberty which are the breath of our political life, would it then not be best to let the rebels go? Would it not be preferable to be content with the modest proportions to which the development of things has reduced us, to foster the principles and institutions which have made this people great and happy for so long a time with conscientious care, and to trust to the expansive power of liberty to restore this Republic in some more or less remote future to its former measure of greatness?

And yet, looking at things as they are, how can we expect to restore the Union but by the rule of force—that is to say, by a military occupation of the rebel States? But you will tell me that this will not last long. Well, and what will determine this period? The disappearance of the rebellious spirit; the return of sincere loyalty. But when and how will the rebellious spirit cease and loyalty return? True, if this rebellion were nothing but a mere momentary whim of the popular mind, if its causes could be obliterated by one of those sudden changes in popular opinion, which, in matters of minor importance, occur so frequently with our impressionable people, then a short military occupation might answer, and pass over without any serious effect upon our future development. But is it this? Look the fact square in the face. This rebellion is not a mere momentary whim, and although but a few men seem to have prepared its outbreak, it is not the mere

upshot of a limited conspiracy. It is a thing of long preparation; nay, more than that: it is a thing of logical development. This rebellion did not commence on the day that the secession flag was hoisted at Charleston; it commenced on the day when the slave power for the first time threatened to break up this Union. [*Applause.*]

Slavery had produced an organization of society strongly in contradistinction with the principles underlying our system of government—the absolute rule of a superior class, based upon the absolute subjection of the laboring population. This institution, continually struggling against the vital ideas of our political life, and incompatible with a free expression of public opinion, found itself placed in the alternative of absolutely ruling or perishing. Hence our long struggles, so often allayed by temporary expedients, but always renewed with increased acrimony. And as soon as the slave interest perceived that it could no longer rule inside of the Union, it attempted to cut loose and to exercise its undisputed sway outside of it. This was logical; and as long as the relation of interests and necessities remains the same, its logical consequences will remain the same also. This is not a matter of doctrine or party creed, but of history. Nobody can shut his eyes against so plain and palpable a fact. How is it possible to mistake the origin of this struggle? I ask you, in all sincerity, Would the rebellion have broken out, if slavery had not existed? [*“No, no, no.”*] Did the rebellion raise its head at any place where slavery did not exist? Did it not find sympathy and support wherever slavery did exist? [*“Yes, yes, yes.”*] Is anybody in arms against the Union but who desires to perpetuate slavery? What else is this rebellion but a new but logical form of the old struggle of the slave interest against the fundamental principles of our political system? Do not indulge in the delusion that you can put an end to this struggle by a mere victory in the field. By it you may quench the physical power of the slave interest, but you cannot stifle its aspirations. The slave interest was disloyal as long as it threatened the dissolution of the Union; it will be disloyal as long as it will desire it. [*Cheers.*]

And when will it cease to desire it? It may for a time sullenly submit to the power of the Union, but it will not enter into harmonious coöperation with you, as long as it has aspirations of its own. But to give up its aspirations would be to give up its existence; it will therefore not cease to aspire until it ceases to live. [*Applause.*] Your President has said it once, and there is far-seeing wisdom in the expression: This country will have no rest until slavery is put upon the course of ultimate extinction. [*Great and continued applause.*] But if the slave interest, as such, cannot return with cordial sincerity to its allegiance, where will the suppression of this rebellion lead us? Mark my words: Not only is the South in a state of

rebellion, but the whole Union is in a state of revolution. This revolution will produce one of three things: either complete submission of the whole people to the despotic demands of the slave interest, or a radical change in our Federal institutions, that is to say, the establishment of a strong, consolidated, central government, or such a reform of Southern society as will make loyalty to the Union its natural temper and disposition. [*Cheers.*] The old Union, as we have known it, is already gone; you cannot restore it; geographically—yes; but politically and morally, never. [*Applause.*] And if Jefferson Davis would come to-morrow and give up his sword to President Lincoln, and all the rebel armies were captured in one day, and forced to do penance in sackcloth and ashes at the foot of Capitol Hill, the old Union would not be restored. [*Cheers.*] That circle of ideas in which the political transactions of the old Union moved is forever broken. [*Sensation.*] It cannot be restored. The mutual confidence on which the political transactions of the old Union rested has been discovered to be illusory; it is irretrievably gone. [*Applause.*]

I repeat, either you will submit to the South, or you will rule the South by the force of a strong, central government, or Southern society must be so reformed that the Union can safely trust itself to its loyalty. Submit to the rebellious South! Submit after a victory! [*"No, no, no."*] You will tell me that this is impossible. Is it, indeed? There are those in the South who have fought and will fight the Union as long as the rebellion has a chance of success, who will apparently come over to our side as soon as our victory is decided, and who will then claim the right to control our policy. [*"That's it."*] And there are those in the North, who, either actuated by party spirit, or misled by shortsightedness, stand ready to coöperate with the former. [*Sensation.*] The attempt will be made—whether it will succeed—who knows? But if it does succeed, it will lead to new struggles [*"John Brown"*] more acrimonious, dangerous, and destructive in their nature, but also more radical and permanent in their result. [*Cheers, "That's it."*]

The second possibility I indicated is the establishment of a strong, consolidated, central government. Look at the course you have taken since the outbreak of the rebellion. It was natural that, when the necessity of vigorous action pressed upon us, the Government was clothed with extraordinary powers. As its duties and responsibilities increased, its hands had to be strengthened. But it might indeed have been expected that the people as well as Government would treat with scrupulous respect those fundamental guarantees of our rights and liberties, the achievement or the preservation of which was so often in the history of the world bought at the price of bloody revolutions. Outside of this Republic, and, I have no doubt, inside of it also, it was remarked with some surprise, that the writ of *habeas corpus*,

the liberty of the press, the authority of the civil courts of justice, were in some cases rather cavalierly dealt with. How easily it is forgotten that you cannot permit another's rights to be infringed without paving the way for a violation of your own! I do not mean to exaggerate the importance of these occurrences. I can well understand the violence of popular resentment, as well as the urgent necessities pressing upon those who stood at the helm. But I most earnestly warn you that a condition of things producing such necessities must not last too long, lest it create bad habits [*applause*—the habit of disregarding these fundamental rights on one side, and the habit of permitting them to be violated on the other. In my opinion, the manner of treating its enemies is the true test of the tendency of a government. It may be questionable whether we can afford to suppress a rebellion in the same way and with the same means in and with which the King of Naples was in the habit of suppressing it; but it is certain that we can *not* afford to imitate him in his manner of *maintaining* the reestablished authority of the Government. [*Cheers.*]

But now look at the task before you. I am willing to suppose that the rebel armies will be beaten and dispersed with greater ease and facility than I at present deem it possible. Then the *spirit* of disloyalty must be extinguished, the source of the mischief must be stopped. This cannot be done by strategic movements and success in battle. How then is it to be done? Take the State of South Carolina: you beat the rebels defending its soil, and occupy the whole State with your troops. Armed resistance to the authority of the United States becomes impossible, but you want to restore the active coöperation of the people of South Carolina in the Government of the United States, without which the restoration of the old order of things is impossible. Now, you either call upon the people of South Carolina to elect new State authorities of their own, or you impose upon them a Provisional Government, appointed by the President at Washington. In the first case, the people of South Carolina—a large majority of whom are disloyal, and those who are not disloyal, are not loyal either, [*applause.*] and to a certain extent, seem to be incorrigible—are most likely to elect a new set of secessionists to office. It will be a re-organization of treason and conspiracy; for you must know that conspiracies do not only precede rebellions, but also follow unsuccessful ones. The new State Government is at once in conflict with the Federal authorities. The latter find themselves counteracted and clogged in every imaginable way; and after a series of unsuccessful attempts to secure a cordial and trustworthy coöperation, after a season of tiresome and fruitless wrangles, they find themselves obliged to resort to sterner measures; then forcible suppression of every combination hostile to the Union; close surveillance of press and speech; martial law where the civil tribunals are found

insufficient; in one word, a steady and energetic pressure of force, by which the Federal Government overrules and coerces the refractory State authorities. You will see at once, that if this pressure be not strong enough, it will not furnish the Government of the United States the necessary guarantees of peace and security; and if it be strong enough to do that, it will not leave to the State Government that freedom of action upon which our whole political fabric is based. Or you follow the other course I indicated—institute provisional governments by appointment from the President, in a manner similar to that in which territories are organized. Then the General Government enters into immediate relation with the people of the rebellious district. While it leaves to the people the election of the Territorial Legislature, if I may call it so, it controls the action of that Legislature by the veto of the Executive, and the rulings of the Judiciary in a regular and organic way. Thus mischief may be prevented, the execution of the laws secured, and the supremacy of the General Government maintained by the Government's own agents, until the States can be reorganized with safety to the Union. This plan may be preferable to the other, inasmuch as it will prevent the continuation of rebellious intrigues, and facilitate the repression and punishment of disloyal practices without a conflict with lawfully instituted authorities; but it is evident that such a condition of things cannot last long without essentially changing the nature of our general system of government. In either case, it will be the rule of force, modified by circumstances, ready to respect individual rights wherever submission is complete, and to overrule them wherever necessity may require it.

Do not say that these things are less dangerous because they are done with the assent of the majority; for the assent of the people to a consolidation of power, is the first step toward subversion of liberty. [*Applause.*] But is indeed this Government, in struggling against rebellion, in reestablishing its authority, reduced to a policy which would nearly obliterate the line separating Democracy from Absolutism? Is it really unable to stand this test of its character? For this is the true test of the experiment. If our democratic institutions pass this crisis unimpaired, they will be stronger than ever; if not, the decline will be rapid and irremediable. But can they pass it unimpaired? Yes. This Republic has her destiny in her hands. She may transform her greatest danger and distress into the greatest triumph of her principles. [*Cheering.*] There would have been no rebellion, had there not been a despotic interest incompatible with the spirit of her democratic institutions, [*cheers.*] and she has the glorious and inestimable privilege of suppressing this rebellion, by enlarging liberty instead of restraining it, [*great cheering.*] by granting rights, instead of violating them. [*"Good." Applause.*]

I shall have to speak of Slavery, and I wish you would clearly understand me. I am an Anti-Slavery man. [*Cheering.*] All the moral impulses of my heart have made me so, and all the working of my brain has confirmed me in my faith. [*Loud applause. "Hear, hear."*] I have never hesitated to plead the cause of the outraged dignity of human nature. I could not do otherwise; and whatever point of argument I might gain with any one, if I denied it, I would not deny it, I shall never deny it. [*"Good, good." Applause.*] And yet, it is not my life-long creed, which would make me urge the destruction of Slavery now. As an Anti-Slavery man, I would be satisfied with the effect the course of events is already producing upon Slavery. When formerly I argued in favor of its restriction, I knew well and clearly, that as soon as the supremacy of the slave interest in our political life was destroyed, the very life of Slavery was gone, and the institution would gradually disappear. For many reasons, I would have preferred this gradual and peaceful process. I never was in favor of precipitate measures, where a quiet and steady reform was within the limits of practicability. [*Cheers.*] But the rebellion, which placed Slavery in a direct practical antagonism with the institutions most dear to us, has prodigiously hastened this development. I said already, that I do not deem another victory of Slavery over the National conscience impossible; but this reaction will produce new struggles, with passions more fierce, with resentments more acrimonious and reckless, and dangerous to our democratic institutions, and violent in their nature; but as to Slavery, radical and conclusive in their results. [*Applause.*] This rebellion has uprooted the very foundations of the system, and Slavery is not far from its death. [*Cheers.*] It will die, and if you would, you could not prevent it. [*Applause.*] And thus, as an Anti-Slavery man, I might wait and look on with equanimity.

But what I do not want to see is, that Slavery, in this death struggle, should involve the best institutions that ever made a nation great and happy. It shall not entangle the Union in its downfall, and, therefore, the Union must deliver itself of its pernicious embrace. [*Great applause, long continued, and huzzas.*] And now listen to what I have to say of the third possible result of the revolution through which we are passing, the only result which will restore the Union, and save the spirit of its democratic institutions. The ambition, the aspirations of men, grow from the circumstances in which they live. As these circumstances change, these aspirations will take a corresponding direction. A slaveholding population, wedded to the peculiar interests of their peculiar institutions, will, in their aspirations and political action, be governed by the demands of those interests. If those interests are incompatible with loyalty to a certain established form of government, that population will be disloyal in its aspirations. Their way of thinking, their logic, their imagi-

nation, their habits, are so affected and controlled by their circumstances, that as long as the latter remain the same, the former are not likely to change. Imagine this slaveholding population with a Union army on their soil. Their forces may be dispersed, their power paralyzed, but their former aspirations, although checked, are not eradicated. They move still in the same circle of ideas, and not only their memories of the past, but also their desires for the future, are still centred in that circle which Slavery has drawn around them. Is not the intention and desire, mother to the act? You may tell me that, however ardently they may long for a dissolution, their experience of the present rebellion will not let the idea of attempting another rebellion, spring up. Are you so sure of this? True, they will not repeat the same thing in the same way. But have you never thought of it, that this Republic may be one day involved in difficulties with foreign powers, and that, in her greatest need, the disloyalists may discover another opportunity? And have you considered what our foreign policy will be, when the powers of the earth know that we harbor an enemy within our own limits ready to join hands with them? [*Sensation.*] How can you rely upon the Southern people unless they are sincerely loyal, and how can they be sincerely loyal as long as their circumstances are such as to make disloyalty the natural condition of their desires and aspirations? They cannot be faithful unless their desires and aspirations change. And how can you change them? By opening before them new prospects and a new future. [*Cheering.*]

Look at the other side of the picture. Imagine—and I suppose it is not treasonable to imagine such a thing—imagine Slavery were destroyed in consequence of this rebellion. Slavery, once destroyed, can never be restored. [*Applause.*] A reaction in this respect is absolutely impossible, so evidently impossible that it will not even be attempted. Slavery is like an egg—once broken, it can never be repaired. [*Cheering.*] Even the wildest fanatic will see this. However ardent a devotee of Slavery a man may be, Slavery once destroyed, he will see that it is useless to brood over a past which is definitively gone, and cannot be revived. He will find himself forced to direct his eyes toward the future. All his former hopes and aspirations vanish; his former desires are left without a tangible object. Slavery having no future, his former aspirations and desires, founded upon Slavery, have none. He feels the necessity of accommodating himself to the new order of things, and the necessities of the present will make him think of the necessities of the future. Insensibly his mind drifts into plans and projects for coming days, and insensibly he has based these plans and projects upon the new order of things. A new circle of ideas has opened itself to him, and however reluctantly he may have given up the old one, he is already active in this new sphere. And this

new circle of ideas being one which moves in the atmosphere of free-labor society, new interests, new hopes, new aspirations spring up, which closely attach themselves to the political institutions, with which in this country free-labor society is identified. That is the Union, based upon general self-government. Gradually the reformed man will understand and appreciate the advantage of this new order of things, and loyalty will become as natural to him, as disloyalty was before.

It may be said, that the arch-traitors, the political propagandists of Slavery, can never be made loyal; that their rancor and resentment will be implacable, and that only the second generation will be capable of a complete reform. But such men will no longer be the rulers of Southern society; for Southern society being, with all its habits and interests, no longer identified with Slavery, that element of the population will rise to prominent influence, which most easily identifies itself with free labor; I mean the non-slaveholding people of the South. [*Cheers.*] They have been held in a sort of moral subjection by the great slave-lords. Not for themselves but for them they were disloyal. The destruction of Slavery will wipe out the prestige of their former rulers; it will lift the yoke from their necks; they will soon undertake to think for themselves, and thinking freely they will not fail to understand their own true interests. They will find in free-labor society their natural elements; and free-labor society is naturally loyal to the Union. [*Applause.*] Let the old political leaders fret as they please; it is the free-labor majority that will give to society its character and tone. [*Cheering.*] This is what I meant by so reforming Southern society as to make loyalty to the Union its natural temper and disposition. This done, the necessity of a military occupation, the rule of force, will cease; our political life will soon return to the beaten track of self-government, and the restored Union may safely trust itself to the good faith of a reformed people. The antagonistic element which continually struggled against the vital principles of our system of government once removed, we shall be a truly united people with common principles, common interests, common hopes, and a common future. True, there will be other points of controversy about banks or hard money, internal improvements, free-trade or protection; but however fierce party contests may be, there will be no question involving the very foundation of our polity, and no party will refuse to submit to the verdict of popular suffrage on the controversies at issue. [*Cheers.*] The Union will not only be strong again, but stronger than ever before. [*Great cheering.*]

And if you ask me what, under existing circumstances, I would propose to do, I would say: Let Slavery in the District of Columbia, and wherever the Government has immediate authority, be abolished. [*Loud and long-continued applause.*] Let the slaves of rebels be

confiscated by the General Government, and then emancipated, [*tremendous applause*,] and let a fair compensation be offered to loyal slave States and masters, who will agree upon some system of emancipation. [*Cheering.*] Let this, or some other measure to the same effect, be carried out in some manner compatible with our fundamental laws, I do not care which, *provided always* the measure be thoroughgoing enough to render a reaction, a reestablishment of the slave power impossible, [*cheering* ;] for as long as this is possible, as long as the hopes and aspirations of the Southern people can cling to such a chance, you will not have succeeded in cutting them loose from the old vicious circle of ideas, their loyalty will be subject to the change of circumstances, and such loyalty is worth nothing. [*Cheers.*]

I am at once met by a vast array of objections. "It would be unconstitutional!" say some scrupulous patriots. Is it not a little surprising, that the Constitution should be quoted most frequently and persistently in favor of those who threw that very Constitution overboard? [*Cheers.*] Unconstitutional! Let us examine the consistency of those who on this point are so sensitive. Have you not, in the course of this rebellion, suspended in many cases the writ of habeas corpus? Have you not suppressed newspapers, and thus violated the liberty of the press? Have you not deprived citizens of their liberty without due process of law? Have you not here and there superseded the regular courts of justice by military authority? And was all this done in strict conformity with the sacred safeguards which the Constitution throws around the rights and liberties of the citizen? But you tell me that all this was commanded by urgent necessity. Indeed! Is the necessity of restoring the true life element of the Union less urgent than the necessity of imprisoning a traitor or stopping a secession newspaper? [*Applause.*] Will necessity which justifies a violation of the dearest guaranties of our own rights and liberties, will it not justify the overthrow of the most odious institution of this age? [*Cheers.*] What? Is the Constitution such as to countenance in an extreme case a most dangerous imitation of the practices of despotic Governments, but not to countenance, even in the extremest case, the necessity of a great reform, which the enlightened spirit of our century has demanded so long, and not ceased to demand? [*Cheers.*] Is it, indeed, your opinion that in difficult circumstances like ours neither the writ of habeas corpus, nor the liberty of the press, nor the authority of the regular courts of justice, in one word, no right shall be held sacred and inviolable under the Constitution but that most monstrous and abominable right which permits one man to hold another as property? [*Great cheering.*] Is to your constitutional conscience our whole magna charta of liberties nothing, and Slavery all? [*Loud applause.*] Slavery all, even while endeavoring

by the most damnable rebellion to subvert this very Constitution?

But do not misunderstand me. I am far from underestimating the importance of constitutional forms. Where constitutional forms are not strictly observed, constitutional guaranties will soon become valueless. But, where is the danger in this case? Nobody denies the constitutionality of the power of the Government to abolish Slavery in the District of Columbia; nobody will deny the constitutionality of an offer of compensation to loyal slave-owners. Or would the confiscation of rebel property be unconstitutional? The Constitution defines clearly what treason consists in; and then it gives Congress the power to pass laws for the punishment of treason. In this respect the Constitution gives Congress full discretion. If Congress can decree the penalty of death, or imprisonment, or banishment, why not the confiscation of property? And if Congress can make lands, and houses, and horses, and wagons liable to confiscation, why not slaves? And when these slaves are confiscated by the Government, cannot Congress declare them emancipated, or rather will they not be emancipated by that very act? Is there any thing in the Constitution to hinder it? Can there be any doubt, can there be a shadow of a doubt, as to the authority of Congress to do this? And if Congress can do it, why should it not?

Do you prefer the death penalty? Will you present to the world the spectacle of a great nation thirsting for the blood of a number of miserable individuals? Do not say that you want to make an example; for if you stop the source of treason, no warning example to frighten traitors will be needed. [*Loud cheers.*] Or do you prefer imprisonment? The imprisonment of the leaders may very well go along with confiscation, and as to the imprisonment of the masses, nobody will think of it. Or do you prefer banishment? [*"Yes."*] How would it please you to see Europe overrun with "exiles from America," blackening your character and defiling your Government at every street-corner, and incessantly engaged in plotting against their country? And what effect will these modes of punishment have upon the Southern people? Either you are severe in applying them, and then you will excite violent resentments, or you are not severe, and then your penalties will frighten nobody, and fail of the object of serving as a warning example. In neither case will you make friends. It has frequently been said that the punishment of crime ought not to be a mere revenge taken by society, but that its principal object ought to be the reformation and improvement of the criminal. [*Cheers.*] This is a humane idea, worthy of this enlightened century. It ought to be carried out wherever practicable. But how much greater and more commendable would it be if applied to a people instead of an individual! As for me, it will be to me supremely indiffer-

ent whether any of the rebels meets a punishment adequate to his crime, provided the great source of disloyalty be punished in itself. [*Cheers.*] The best revenge for the past is that which furnishes us the best assurance for the future. [*Applause.*]

And how can we lose this great opportunity, how can we throw away this glorious privilege we enjoy, of putting down a rebellion by enlarging liberty, and of punishing treason by reforming society? [*Cheers.*] What hinders you? It is not the Constitution! Its voice is clear, unmistakable, and encouraging. This time the Constitution refuses to serve as a mark to morbid timidity or secret tenderness for Slavery. Or is there really any thing frightful to you in the idea, which we hear so frequently expressed, that every measure touching Slavery would irritate the rebels very much, and make them very angry. [*Laughter and cheering.*] Irritate them and make them angry! I should not wonder. Every cannon shot you fire at them, every gunboat that shells their fortifications, every bayonet charge that breaks their lines, makes them, I have no doubt, quite angry. [*Continued laughter.*] It may be justly supposed that every forward movement of our troops has upon them quite an irritating effect. [*Great laughter—"Fort Donelson."*] If you want to see them smile, you must let them alone entirely. But will you, therefore, load your muskets with sawdust, stop the advance of your battalions, and run your navy ashore? It must be confessed, they have never shown such tender regards for our institutions. But why will this measure make them so angry? Because it will, in the end, make them powerless for mischief. And if we can attain so desirable an end by doing this, will it not be best to support their anger with equanimity, and do it? [*Cheering.*] I never heard of a man who, when assaulted by a robber, would refrain from disarming him because it might create unpleasant feelings. [*Applause.*]

But, in fact, the irritation it will create will be rather short-lived. It will die out with slavery. I have endeavored to set forth that the reformation of Southern society resulting from these measures is the only thing that will make the Southern people our sincere friends. Why not risk a short irritation for a lasting friendship? [*Cheers.*] But while I am little inclined to pay much regard to the feelings of the rebels, who would delight in cutting our throats, I deem it our duty to treat with respect the opinion of the loyal men of the South, on whose fidelity the whirl of rebellion raging round them had no power. I have heard it said that any measure touching Slavery in any way would drive them over to our common enemy. Is this possible? Is their loyalty of so uncertain a complexion that they will remain true to the Union only as long as the Union does nothing which they do not fancy? What, then, would distinguish them from the traitors?—for the traitors too would have adhered to the

Union if they had been permitted to rule it. [*Cheers.*] It is impossible! Whatever they might feel inclined to do if their rights were attacked in an unconstitutional manner, to constitutional measures, constitutionally enacted and carried out, a true Union man will never offer resistance. [*Applause.*] As we listen with respect to their opinions, so they will listen respectfully to our advice. If we speak to them as friends, they will not turn away from us as enemies. I would say to them: "You, Union men of the South, have faithfully clung to the cause of our common country, although your education, the circumstance in which you lived, and the voice of your neighbors were well calculated to call you to the other side. You have resisted a temptation which to many proved fatal. For this we honor you. We labor and fight side by side to restore the Union to its ancient greatness, and to their purity the eternal principles upon which it can safely and permanently rest. What will you have—a Union continually tottering upon its foundation, or a Union of a truly united people, a Union of common principles, common interests, a common honor, and a common destiny? We do not work for ourselves alone, we are not responsible to ourselves alone, but also to posterity. What legacy will you leave to your children—new struggles, new dangers, new revolutions, or a future of peaceful progress? An unfinished, trembling edifice, that may some day tumble down over their heads, because its foundations were not firmly laid, or a house resting upon the firm rock of a truly free government, in which untold millions may quietly and harmoniously dwell? We do not mean to disregard the obligations we owe you, neither constitutional obligations nor those which spring from your claims to our gratitude. We do not mean that you shall suffer in rights or fortune, nor to tear you forcibly from your ways and habits of life. But let us reason together. Do you think that slavery will live always? Consider this question calmly, and without prejudice or passion. Do you think it will live always, in spite of the thousand agencies which, in this Nineteenth Century of ours, are busy working its destruction? It cannot be. Its end will come one day, and that day is brought nearer by the suicidal war which, in this rebellion, Slavery is waging against itself. And how do you wish that this end should be? A violent convulsion or the result of a quiet and peaceful reform? Will you leave it to chance or would you not rather keep this certain development under the moderating control of your voluntary action? There is but one way of avoiding new struggles and a final convulsion, and that is by commencing a vigorous progressive reform in time. In time, I say—and when will the term have arrived? Either you control this development by wise measures seasonably adopted—or it will control you. How long will you wait? You speak of difficulties; I see them—they are great, very great. But

will they not be twenty times greater twenty years hence, unless you speedily commence to remove them? You ask me, what shall we do with our negroes, who are now four millions? And I ask you, what will you do with them when they will be eight millions—or rather, what will they do with you? [*Cheering.*] Is it wise to quail before difficulties to-day, when it is sure that they will be twice as great to-morrow, and equally sure that some day they *must*—absolutely *must*—be solved? You speak of your material interest. To-day, I am convinced, there is hardly a man in the free States of this Republic who would not cheerfully consent to compensate you amply for the sacrifices you might voluntarily bring. [*Applause.*] Do you think that after the fierce struggles which inevitably will come if Slavery remains a power in the land after this war, and which, with the certainty of fate, will bring on its destruction, an equally liberal spirit will prevail? Look at this fairly and without prejudice. Does not every consideration of safety and material interest command you to commence this reform without delay? Must it not be clear to the dullest mind that this task which imperatively imposes itself upon you, will be the easier the sooner it is taken in hand, and the more difficult and fearful the longer it is put off?

But, pardon me, Union men of the South, if in speaking to you of a thing of such tremendous moment, I have appealed only to the meaner instincts of human nature. How great, how sublime a part might you play in this crisis, if you appreciated the importance of your position—if you would cast off the small ambition which governs so many of you! To maintain a point in controversy just because you have asserted it, to say: We can do this if we please, and nobody shall hinder us, and therefore we will do it; or, we have slavery and nobody has a right to interfere with it, and therefore we will maintain it, how small an ambition is this! How much greater, how infinitely nobler would it be, if you would boldly place yourself at the head of the movement and say to us: We grew up in the habits of slaveholding society, and our interests were long identified with the institution, and we think also that you cannot lawfully deprive us of it; but since we see that it is the great disturbing element in this Republic, we voluntarily sacrifice it to the peace of the nation, we immolate it as a patriotic offering on the altar of the country! [*Loud cheers.*] Where are the hearts large enough for so great and exalted an ambition? Ah, if some man of a powerful will and lofty devotion would rise up among you; if an Andrew Johnson would go among his people, and tell them [*great applause*] how noble it is to sacrifice for the good of the country [*cheers*] not only one's blood, but also one's prejudices and false pride, he would be greater than the generals who fight our battles, greater than the statesmen who direct our affairs, and coming generations would gratefully remember him as the true pacificator of

his country. [*Applause.*] He would stand above those that are first in war, he would be the true hero of peace, he would not be second in the hearts of his countrymen." Thus I would speak to the Union men of the South.

But whatever they may do, or not do, our duty remains the same. We cannot wait one for another; the development of things presses on, and the day of the final decision draws nearer every hour. Americans, I have spoken to you the plain, cold language of fact and reason. I have not endeavored to capture your hearts with passionate appeals, nor your senses with the melody of sonorous periods. I did not desire to rush you on to hasty conclusions; for what you resolve upon with coolness and moderation, you will carry out with firmness and courage. And yet it is difficult for a man of heart to preserve that coolness and moderation when looking at the position this proud nation is at present occupying before the world; when I hear in this great crisis the miserable cant of party; when I see small politicians busy to gain a point on their opponents; when I see great men in fluttering trepidation lest they spoil their "record" or lose their little capital of consistency. [*Cheering.*]

What! you, the descendants of those men of iron who preferred a life or death struggle with misery on the bleak and wintry coast of New England to submission to priestcraft and kingcraft; you, the offspring of those hardy pioneers who set their faces against all the dangers and difficulties that surround the early settler's life; you, who subdued the forces of wild nature, cleared away the primeval forest, covered the endless prairie with human habitations; you, this race of bold reformers who blended together the most incongruous elements of birth and creed, who built up a Government which you called a model Republic, and undertook to show mankind how to be free; you, the mighty nation of the West, that presumes to defy the world in arms, and to subject a hemisphere to its sovereign dictation; you, who boast of recoiling from no enterprise ever so great, and no problem ever so fearful—the spectral monster of Slavery stares you in the face, and now your blood runs cold, and all your courage fails you? For half a century it has disturbed the peace of this Republic; it has arrogated to itself your national domain; it has attempted to establish its absolute rule and to absorb even your future development; it has disgraced you in the eyes of mankind, and now it endeavors to ruin you if it cannot rule you; it raises its murderous hand against the institutions most dear to you; it attempts to draw the power of foreign nations upon your heads; it swallows up the treasures you have earned by long years of labor; it drinks the blood of your sons and the tears of your wives, and now?—Every day it is whispered in your ears, Whatever Slavery may have done to you, whatever you may suffer, touch it not? How many thousand millions of your wealth it may cost, however much blood you may have

to shed in order to disarm its murderous hand, touch it not! How many years of peace and prosperity you may have to sacrifice in order to prolong its existence, touch it not! And if it should cost you your honor—listen to this story:

On the Lower Potomac, as the papers tell us, a negro comes within our lines, and tells the valiant defenders of the Union that his master conspires with the rebels, and has a quantity of arms concealed in a swamp; our soldiers go and find the arms; the master reclaims his slave; the slave is given up; the master ties him to his horse, drags him along eleven miles to his house, lashes him to a tree, and, with the assistance of his overseer, whips him three hours, three mortal hours; then the negro dies. That black man served the Union, Slavery attempts to destroy the Union, the Union surrenders the black man to Slavery, and he is whipped to death—touch it not. [*"Hear, hear." Profound sensation.*] Let an imperishable blush of shame cover every cheek in this boasted land of freedom—but be careful not to touch it! Ah, what a dark divinity is this, that we must sacrifice to it our peace, our prosperity, our blood, our future, our honor! What an insatiable vampyre is this that drinks out the very marrow of our manliness! [*"Shame."*] Pardon me; this sounds like a dark dream, like the offspring of a hypochondriac imagination, and yet—have I been unjust in what I have said? [*"No."*]

Is it asking too much of you that you shall secure against future dangers all that is most dear to you, by vigorous measures? Or is it not true that such measures would not be opposed had they not the smell of principle about them? [*"That's it." Applause.*] Or do the measures proposed really offend your constitutional conscience? The most scrupulous interpreter of our fundamental laws will not succeed in discovering an objection. Or are they impolitic? What policy can be better than that which secures peace and liberty to the people? Or are they inhuman? I have heard it said that a measure touching Slavery might disturb the tranquillity and endanger the fortunes of many innocent people in the South. This is a possibility which I sincerely deplore. But many of us will remember, how often they were told it in former years, that true philanthropy begins at home. Disturb the tranquillity and endanger the fortunes of innocent people in the South!—and there your tenderness stops? Are the six hundred thousand loyal men of the North, who have offered their lives and all they have and they are for the Union, less innocent? Are those who have soaked the soil of Virginia, and Missouri, and Kentucky, and Tennessee with their blood—are they guilty? Are the tears of Northern widows and children for their dead husbands and fathers

less warm and precious than the tears of a planter's lady about the threatened loss of her human chattels? [*Sensation.*] If you have such tender feelings about the dangers and troubles of others, how great must be the estimation you place upon the losses and sufferings of *our* people! Streams of blood, and a stream of tears for every drop of blood; the happiness of so many thousand families forever blasted, the prosperity of the country ruined for so many years—how great must be the compensation for all this! Shall all this be squandered for nothing? for a mere temporary cessation of hostilities, a prospect of new troubles, a mere fiction of peace?

People of America! I implore you, for once, be true to yourselves, [*great applause,*] and do justice to the unmistakable instinct of your minds and the noble impulses of your hearts. Let it not be said that the great American Republic is afraid of the nineteenth century. [*Loud cheers.*] And you, legislators of the country, and those who stand at the helm of Government, you, I intreat, do not trifle with the blood of the people. This is no time for politely consulting our enemies' tastes, or for sparing our enemies' feelings. Be sure, whatever progressive measures you may resolve upon, however progressive it may be, the people are ready to sustain you with heart and hand. [*Loud and long-continued cheering and waving of hats.*] The people do not ask for any thing that might seem extravagant. They do not care for empty glory; they do not want revenge, but they do want a fruitful victory and a lasting peace. [*Great applause.*] When pondering over the tendency of this great crisis, two pictures of our future rise up before my mental vision. Here is one: The Republic, distracted by a series of revulsions and reactions, all tending toward the usurpation of power, and the gradual destruction of that beautiful system of self-government to which this country owes its progress and prosperity; the nation sitting on the ruins of her glory, looking back to our days with a sorrowful eye, and saying, "Then we ought to have acted like men, and all would be well now." Too late, too late! And here is the other: A Government, freed from the shackles of a despotic and usurping interest, resting safely upon the loyalty of a united people; a nation engaged in the peaceable discussion of its moral and material problems, and quietly working out its progressive development; its power growing in the same measure with its moral consistency; the esteem of mankind centering upon a purified people; a union firmly rooted in the sincere and undivided affections of all its citizens; a regenerated Republic, the natural guide and beacon light of all legitimate aspirations of humanity. These are the two pictures of our future. Choose! [*Immense applause.*]

Doc. 33.

SECESSION IN NEW-MEXICO.

ADDRESS OF M. OTERO TO THE PEOPLE OF NEW-MEXICO.

SANTA FE, N. M., February 15, 1861.

POLITICAL events of immense importance are transpiring in the States, which sooner or later, for good or for evil, will affect your destinies. The Government of the Republic (in case any government exists) is for the first time passing into the hands of a party purely sectional in its origin, principles and power—of a party that abjures the Constitution, appealing to a higher law, which is neither sanctioned by the law of God or that of man. This party, known as the Black Republican, is (and we are glad to say so) in a great minority of the American people—a minority of nearly a million of votes—but has succeeded in obtaining the management of the Government, in part by the deplorable divisions among their antagonists, who scattered their votes between three different candidates for the Presidency, but principally by concentrating their force in one section of the Union, (the free States,) nourishing their prejudices, inflaming their passions, exciting their animosities, and bribing their interests; at the same time they attacked, by all conceivable means, the rights, the character, and the interests of the other section; and the result now is, a contest which is shaking the Republic to its centre.

The principal arm by which this prosperous party has waged this profane war, is the African slavery question, which, although guaranteed and protected by the Constitution in those States where it exists, and in the common territories of the Republic, is nevertheless the object of its unscrupulous hostility and hate.

But, be this as it may, it is not to the discussion of this question that we now call your attention, for there are other interests which more nearly concern you than the change of government, to which we have alluded, and which may be affected by it.

It behooves you therefore, to examine minutely the character of this new party, to observe their steps, discern their objects, and inquire very particularly of what nature, just or unjust, amicable or hostile, are their sentiments toward yourselves, your honor, your institutions, and your interests.

To aid you in this examination, we present you with a translation, prepared with careful correctness, of a very significant article which appeared in the editorial columns of the *New-York Tribune*, of the thirty-first of December last, after the known success of the Abolition party in the Presidential election in November last. It may seem to you, that in calling your attention in this way to the merely vulgar columns of a venal daily, we attribute an undue importance to a matter of little weight; but when it is recollected that the said dirty, fanatical, calumnious daily is more than all others the authorized exponent of the party about to come into power; further, if we

remember that Mr. Greeley, its editor, and the author of this vile article, is more than any one the accredited representative and mouth-piece of Mr. Lincoln, the new President, for the election of whom to this high position, said editor contributed more than any one else; remembering all this, you will admit that we are clearly justified in considering this article as an open manifestation of the hostility to the death, with which we, and all we hold dear, is viewed by the new party, which will assume the reins of Government on the fourth day of March next. You will know in them the bitterest hatred toward your race. You will observe the most intense hostility toward your holy religion and its anointed ministers. You will discover the malevolent intention to wage against your institutions and your interests, the same profane war which this same power has already declared against nearly half of our prosperous and contented people.

Fellow-citizens, we place this paper before you, that you may be on your guard against any insidious design that the incoming party may contemplate against you through their official emissaries, who will soon be among you.

The faculties with which the law has clothed the Legislative Assembly, are sufficiently ample for your protection, if you will only give it prompt attention, and confide it to persons who will not betray you, either purposely or through negligence. The selection of the firmest and most faithful men, to represent you in both branches of the Legislative Assembly, is your only safeguard. But if you disregard this warning; if you omit this duty; if, during the next four years, you should confer legislative powers on corrupt and incompetent men, who will be the servants of perverse or intriguing masters, then it will not be difficult to foresee your destiny.

United to this fanatical power, in their attacks on the constitutional rights of your fellow-citizens and your own, you will be sentenced to an equal destruction.

Their programme in this territory will be commenced by an onslaught on your just legislation in regard to the protection of the property of your fellow-citizens who possess property in African slaves; but they will not be satisfied with that. Your holy religion, your civil rights, your social bonds, your established laws, so well adapted to your condition, will soon be disputed by them with the same furious spirit of fanaticism that views nothing as inviolable that is not in conformity with the edicts of their infidelity toward God, and their intolerance toward mankind. But, on the contrary, if you remain firm, as you have up to the present time, on the common principle of justice and to the Constitution of your country—if you extend the same protection to all the rights of all your fellow-citizens, all will yet be well.

The detestable principles of Black Republicanism are not the principles of the American people. As we have said, a great majority of the people were opposed to them in the recent election, and in the States it is every day more manifest that it is augmenting.

After a short duration of their power, this horde of infidels will be driven from the capital, and you, as well as your fellow-citizens of the States, whose rights are menaced, will be left in peace and prosperity.

We also consider it our duty, and we have the satisfaction to present to you the manly, able and decorous reprimand which your delegate in Congress gave to your calumniator, through the columns of the *Constitution*, a periodical in Washington.

This act of justice toward you does honor to the head as well as the heart of your delegate, whose sentiments, as you see, are not those of a partisan, but those of a loyal and faithful servant of his constituents and countrymen. He merits your gratitude, and we trust that your testimony will not be denied him.

Doc. 34.

SOUTHERN SEQUESTRATION.

DEPARTMENT OF JUSTICE, }
RICHMOND, September 12, 1861. }

Instructions to Receivers under the Act entitled "An Act for the Sequestration of the Estates, Property, and Effects of Alien Enemies, and for the indemnity of citizens of the Confederate States, and persons aiding the same in the existing war against the United States."—Approved March 30, 1861.

The following persons are subject to the operation of the law as alien enemies:

All citizens of the United States, except citizens or residents of Delaware, Maryland, Kentucky, or Missouri, or the District of Columbia, or the Territories of New-Mexico, Arizona, or the Indian Territory south of Kansas.

All persons who have a *domicil* within the States with which this government is at war, no matter whether they be *citizens* or not: Thus the subjects of Great Britain, France, or other neutral nations, who have a *domicil*, or are carrying on business or traffic within the States at war with this Confederacy, are alien enemies under the law.

All such citizens or residents of the States of Delaware, Maryland, Kentucky or Missouri, and of the Territories of New-Mexico, Arizona, and the Indian Territory south of Kansas, and of the District of Columbia, as shall commit actual hostilities against the Confederate States, or aid or abet the United States in the existing war against the Confederate States.

Immediately after taking your oath of office, you will take possession of all the property of every nature and kind whatsoever within your District belonging to alien enemies as above defined.

You will forthwith apply to the clerk of the court for writs of garnishment under the eighth section of the law, and will propound to the garnishees the interrogatories of which a form is annexed. These interrogatories you will propound to the following persons, viz.:

1. All attorneys and counsellors practising law within your district.

2. The presidents and cashiers of all banks, and principal administrative officers of all railroad and other corporations within your district.

All agents of foreign corporations, insurance agents, commission merchants engaged in foreign trade, agents of foreign mercantile houses, dealers in bills of exchange, executors and administrators of estates, assignees and syndics of insolvent estates, trustees, and generally all persons who are known to do business as agents for others.

In the first week of each month you will exhibit to the Judge a statement, showing the whole amount of money in your hands as Receiver, and deposit the same for safe keeping, in such bank or other depository as may be selected for that purpose by the Judge—reserving only such amount as may be required for immediate necessary expenditure in the discharge of your duties as Receivers.

Whenever, in the discharge of your duties, you discover that any attorney, agent, former partner, trustee, or other person holding or controlling any property, rights or credits of an alien enemy, has wilfully failed to give you information of the same, you will immediately report the fact to the District Attorney for your District to the end that the guilty party may be subjected to the pains and penalties prescribed by the third section of the law.

J. P. BENJAMIN,
Attorney-General.

The following interrogatories to garnishees have been prepared for your use, together with a note annexed for the information of the garnishee:

1. Have you now, or have you had in your possession or under your control, since the twenty-first day of May last, (1861,) and if yea, at what time, any land or lands, tenement or tenements, hereditament or hereditaments, chattel or chattels, right or rights, credit or credits within the Confederate States of America, held, owned, possessed or enjoyed for or by an alien enemy; or in or to which any alien enemy had, and when, since that time, any right, title, or interest, either directly or indirectly?

2. If you answer any part of the foregoing interrogatory in the affirmative, then set forth specifically and particularly a description of such property, right, title, credit or interest, and if you have disposed of it in whole or in part, or of the profit or rent or interest accruing therefrom; then state when you made such disposition, and to whom, and where such property now is and by whom held?

3. Were you, since the twenty-first day of May, 1861, and if yea, at what time indebted, either directly or indirectly, to any alien enemy or alien enemies? If yea, state the amount of such indebtedness, if one, and of each indebtedness, if more than one; give the name or names of the creditor or creditors, and the place or places of residence, and state whether and to what extent such debt or debts have been discharged, and also the time and manner of the discharge.

4. Do you know of any land or lands, tenement or tenements, hereditament or hereditaments, chattel or chattels, right or rights, credit

or credits, within the Confederate States of America, or any right or interest held, owned, possessed or enjoyed, directly or indirectly by or for one or more alien enemies since the twenty-first day of May, 1861, or in or to which any one or more alien enemies had since that time any claim, title or interest, direct or indirect? If yea, set forth specially and particularly what and where the property is, and the name and residence of the holder, debtor, trustee or agent.

5. State all else that you know which may aid in carrying into full effect the sequestration act of the thirtieth August, 1861, and state the same as fully and particularly as if thereunto specially interrogated.

A. B.,
Receiver.

NOTE.—The garnishee in the foregoing interrogatories, is specially warned that the sequestration act makes it the duty of each and every citizen to give the information asked in said interrogatories.—[Act of 30th August, 1861, sec. 2.]

And if any attorney, agent, former partner, trustee, or other person holding or controlling any property or interest therein or for any alien enemy, shall fail speedily to inform the Receiver of the same, and to render him an account of such property or interest, he shall be guilty of a high misdemeanor, and, upon conviction, shall be fined in a sum not exceeding five thousand dollars, and imprisoned not longer than six months, and be liable to pay besides to the Confederate States double the value of the property or interest of the alien enemies so held or subject to his control.—[Sec. 3.]

Doc. 35.

BOMBARDMENT OF GALVESTON, TEXAS.*

COMMANDER JAMES ALDEN'S REPORT.

UNITED STATES STEAMER SOUTH-CAROLINA, {
OFF GALVESTON, August 10, 1861. }

SIR: I have the honor herewith to submit a report of a short but lively affair which took place on the third instant between this ship and two of the batteries located near to and back of the city of Galveston. The city is, as the accompanying sketch will show, entirely at our mercy, but I have never had any intention of troubling them, as I considered my duty was simply to blockade and stop the commerce of the port, as I frankly told their military commandant, Capt. (now Col.) Moore, who called upon me, shortly after our arrival, to enquire into the truth or falsity of a report, to wit, that I had threatened to bombard the town, if my duty of blockading was interfered with by them in any way. I told the Captain, in reply, that I seldom made threats under any circumstances; that I had not, nor should I upon so momentous a subject as this, presume to think what I should do, believing as I did, as far as the town was concerned, that they would gladly let us alone. But I was disappointed; for on the third instant, as one of our tenders was returning

from a cruise to the southward, in charge of Mr. Rodney Baxter, Acting Master, she found herself early in the morning near two of the rebel batteries, which shortly opened their fire upon her, which she returned in the most gallant manner; and, after exchanging a few shots, came and reported the facts to me. The whole affair passed under my own observation, our anchorage being only three miles distant; and while I was made to realize that people could be so insane as to initiate hostilities with us, when their town was so completely at our mercy, I was restrained from going in and engaging their batteries on the moment, believing that the whole affair might have been the result of misunderstanding or accident. I therefore waited all day for some explanation or disavowal on the part of the authorities, but none came. On the contrary, steam was gotten up on the General Rusk, a large sea-steamer, which has been preparing for sea for some time, and other demonstrations satisfied me that, so far from their volunteering any explanations, they were ready for us, and indeed wanted a brush. I therefore, at about four o'clock P.M., got under way, and after towing a prize, which we have, a little to seaward, out of the reach of the steamer General Rusk, if she should come out while we were engaged, I stood down toward the batteries. Our moving was the signal for the General Rusk to get under way, and as she approached the bar I turned to give her chase; but she was as quick in that evolution as we were, and ran back with all speed. She attempted it the second time, but after that was content to go in and watch the result, out of harm's way.

Being satisfied that there was no more diversion in that direction, I resumed my original course, and stood towards the batteries; but we were no sooner in range than they opened their fire upon us, when the action became general. After exchanging some dozen or fifteen shots with them, I withdrew, satisfied that throughout the whole affair we were doing more injury to the city, or perhaps unoffending citizens, than to the batteries or those who sought the collision.

The nearest point that we could get to the shore, our ship drawing twelve feet, was about one mile, where we found thirteen and a half feet of water. Their firing was so extremely bad, considering the large object that this ship, almost entirely light, presents, that not a shot touched us. Ours, I regret to say, so far as the poor Portuguese and other unoffending sufferer go, was more effective. The only information I have from the city on the subject, is in a very insulting letter, gotten up in the shape of a protest, remonstrating against my acts of the third instant, and signed by all the foreign consuls at Galveston, a copy of which is herewith sent, together with my answer. I should add, that some of the crew of our tender had occasion, a few days ago, to land down the coast in pursuit of fresh provisions, when we were informed that a captain of a company, or a captain of a gun, and others, in one of the batteries, were killed in the affair of the third instant; also

* See page 494, Docs., Vol. II.

that one of our shells went into the middle of the town, but from some cause or other did not burst.

Respectfully, I am your obedient servant,

JAMES ALDEN,
Commander.

Flag-Officer WILLIAM MERVINE,
Commanding Gulf Blockading Squadron.

(Correspondence.)

GALVESTON, August 5, 1861.

SIR: The undersigned, consuls and vice-consuls of Galveston, consider it their duty to enter their solemn protest against your bombardment of this city on the evening of the third instant, without having given any notice, so that the women and children might have been removed, and also against your firing a shell in the midst of a large crowd of unarmed citizens, amongst whom were many women and children, causing thereby the death of an unoffending Portuguese, and wounding boys and peaceably disposed persons, as acts of inhumanity, unrecognised in modern warfare, and meriting the condemnation of Christian and civilized nations.

ARTHUR LYNN,
British Consul.

JAMES FREDERICK,
Hanoverian and Oldenburg Consul, and in the absence of
J. W. Jackarsh, Acting Consul for Prussia and Hamburg.

J. C. KUHN,
Swiss Consul, Vice-Consul for Russia.

J. BARCKEMIER,
deputy Consul for Bremen, Saxony, Belgium, Holland,
and Vice-Consul for Austria.

F. GONZALES,
Mexican Consul.

F. H. ZETIL,
Consul for Nassau.

B. THERON,
French Agent, Consul and Vice-Consul for Spain.

FREDERICK WAGNER,
Consul pro tem, for Electoral Hesse.

To Captain JAMES ALDEN,
Commanding U. S. Steamer South-Carolina.

UNITED STATES STEAMER SOUTH-CAROLINA,
BLOCKADING SQUADRON OFF GALVESTON, August 6, 1861. }

GENTLEMEN: I have just received by the hand of Captain Davis your communication of yesterday's date, in which you enter your "solemn protest against your (my) bombardment of this city on the evening of the third instant, without having given any notice, so that the women and children might have been removed," and characterizing my proceedings in that connection as "acts of inhumanity, unrecognised in modern warfare, and meriting the condemnation of Christian and civilized nations."

My first impulse on reading your extraordinary communication, so full of statements at variance with my own knowledge of the facts, was to return it to you and ask you in all conscience to examine the matter before indorsing such sweeping accusations; but as the facts were all patent, and you might inform yourselves of them if you would, I decided to send you the verbal answer I did, and which may be to some of you quite sufficient; but as it is likely there are

others who have signed this extraordinary document who know little or nothing about the matter, and as you all represent countries with which we are at peace and amity, it may perhaps be my duty to state to you the facts of the case. They are simply as follows: Early on the morning of the third instant our gunboat found herself near the shore, and shortly afterwards (as the result proved) within range of some of the batteries. The first warning she got was a shot—not a blank cartridge, but a shot—not fired ahead or astern of her, to warn her off, *but straight at her*. She, of course, fired back, some shots were exchanged, when she came and reported the facts to me. This was in the morning. I waited all day until nearly four in the afternoon, hoping some explanation, some disavowal of the act would be sent off. None came. I then got under way and stood in for the batteries, which, you are aware, are built in the rear of and close to the town, merely to see if they could, while they knew the town must be injured by our return fire, repeat such an act of aggression by commencing upon us. We were no sooner within range of their guns, however, than they opened their fire, when we, after exchanging a few shots with them, retired, preferring that it should appear we were beaten off, rather than continue a contest where (as the result shows) so many unoffending citizens must necessarily suffer. If that act merits the "condemnation of Christian and civilized nations," pray tell me, gentlemen, tell me, what you would have done were you in my place? Again: you protest against my firing a shell into the midst of a "large crowd of unarmed citizens, amongst whom were many women and children." Good God, gentlemen, do you think such an act could have been deliberate or premeditated? Besides, I would ask, was it not the duty of the military commandant, who, by his act in the morning, had invited me to the contest, to see that such were out of the way? Did he not have all day to prepare? It was evident to my mind that they knew we were coming, or why was that demonstration on the steamer General Rusk? In conclusion, let me add that no one can regret the injury done to unoffending individuals more than I do; still I find no complaint of my acts of the third instant, coming from the military or civil authorities of Galveston; and with due deference to your consideration and humanity, I must respectfully remark that it is the first time that I have ever heard that the women and children or unarmed citizens of one of our towns were under the protection of foreign consuls. Respectfully,

JAMES ALDEN,
Commander, U. S. N., Commanding.

ARTHUR LYNN, Esq.,
British Consul.

J. C. KUHN, Esq.,
Swiss Consul.

F. H. ZETIL, Esq.,
Consul for Nassau; and Others.

Doc. 36.

BATTLE OF BELMONT, MO.

FLAG-OFFICER A. H. FOOTE'S REPORT.

UNITED STATES GUNBOAT LEXINGTON, }
OFF CAIRO, November 9, 1861. }

SIR: This communication conveys well-authenticated information, which I trust will excuse its great length as well as secure it an attentive perusal. I send herewith a report of Commander Walke, of the gunboat Taylor, showing the participation of that vessel, and the gunboat Lexington, Commander Stembel, in the attack on the batteries at Belmont, on the Mississippi River, this side of Columbus.

As a synopsis of this full and extended report, I may say that the gunboats rendered the most effective service on this occasion, having but one man killed and two wounded; in fact, I am informed, both by army and navy officers, that the boats, by covering the final retreat with well-directed fire of grape and canister, mowing down the enemy, prevented our troops from being almost, if not entirely, cut to pieces.

General Grant, the commanding general, informs me that there are forty thousand men and one hundred and eight guns of large calibre in Columbus and its vicinity, and that the rebels intend to make this point their principal stand against the movements of the gunboats and troops down the Mississippi River. A rifle shot weighing ninety pounds was picked up by one of our men, thrown a distance of three miles from one of the rebel batteries.

The demonstration down the river was intended rather as an armed reconnoissance than an attack on Columbus; in fact, mainly for the purpose of destroying the detachment which had crossed the river, and this was effected by capturing the cannon and burning the tents and baggage, the latter accomplished by Quartermaster Hatch with a detachment of men. This movement, it is believed, has prevented, for the present, at least, a junction with General Price in Southwest Missouri, also the detachments being cut off which have been sent from here to attack Jeff Thompson, as well as establishing the fact of Columbus being so strongly fortified that a large land force must coöperate with the gunboats, in order to move successfully beyond this point down the Mississippi River. On the other hand, General Grant is impressed with the idea that the rebels may retaliate by an attempt to seize "Bird's Point" or "Fort Holt," in this immediate vicinity, and, in view of this, wants early reinforcements of well-equipped regiments. The General estimates the loss on our side at two hundred and fifty killed, wounded, and missing, and the enemy's loss in killed alone at three hundred. My opinion is, after careful inquiry, as stragglers are still coming in, that our loss of killed, wounded, and missing will amount to five hundred persons, together with twenty-five baggage-wagons, one hundred horses, one thousand overcoats, and one thousand blankets. The men fought with great gallantry, and Generals Grant

and McClernand had their horses shot under them; and had not the troops been flushed with their early success, and commenced looting, instead of being prepared to retire when the object of the expedition was accomplished, they might have left with comparatively little loss, but the delay gave the enemy time to cross from Columbus in great force, and hence the comparatively disastrous termination in the withdrawal of our forces. . . .

I have the honor to be, very respectfully, your obedient servant,

A. H. FOOTE,

Commanding Naval Forces Western Waters.

HON. GIDEON WELLES,

Secretary of the Navy, Washington, D. C.

Doc. 37.

THE KEYS OF THE GULF.

A LETTER FROM COMMANDER MERVINE.

KEY WEST, Florida, Oct. 1, 1861.

TO THE EDITOR OF THE WORLD: In your article entitled the "Keys of the Gulf," published in your paper of the seventh ultimo, in which you speak of the importance, in a national and commercial point of view, of maintaining the possession of these islands by the United States, you inadvertently did injustice to the army and navy officers on this station, by commending my loyalty in this regard, somewhat at their expense, and by remarking, "that though the soldiery in the fort might have been sufficient to defend it till relief arrived, it is not improbable, that, had the judicial officers there proved faithless, as they did in other cases, Key West, with its fortifications, would have been among the earliest of the rebel acquisitions, entailing consequences," etc.

Now, so loyal to their flag and country were the army and the navy officers on this station, at the time the rebellion broke out, that I do not believe it probable that Key West, with its fortifications, would have gone into the possession of the rebels, in consequence of any omission or dereliction of duty on their part, even though the judicial officers had proved disloyal.

Justice to these gentlemen requires that I should state a few facts on this subject. The country will also be interested in knowing them.

As early as the twelfth of November, and immediately after the receipt of the news of the election of Lincoln—knowing that South-Carolina had threatened to secede and other States to coöperate on that contingency occurring—Capt. Brannan, then in command at the military barracks in Key West, Capt. (now quartermaster-general) Meigs, then the United States engineer in charge of the construction of Fort Jefferson at the Tortugas, and Lieuts. Craven and Stanly, respectively in command of the United States steamers, the Mohawk and Wyandott, held a consultation together upon the subject of the security of the forts and other public property at this place and the Tortugas.

At this consultation it was agreed that Stanly should remain with the Wyandott at Key West,

to coöperate with Brannan in its defence, until orders could be received from Washington on the subject, and that Craven should go to the Tortugas with the Mohawk to coöperate with Meigs in its defence.

Both forts were unfinished, and in a poor condition for defence, without naval coöperation. The fort at Tortugas had not a single gun. This arrangement was quietly acted on, until the Secretary of the Navy ordered the Mohawk and Wyandott to their customary cruising grounds off the coast of Cuba.

On the twentieth of November Capt. Brannan, of his own accord, moved Lieut. Webber and twenty men from the barracks into the fort on this island, giving out that he wished to drill his men a little at the big guns. This was the first occupation of the fort by troops, it being a new and unfinished work.

On the second of December Capt. Hunt, of the United States corps of engineers, in charge of the construction of the fort, and who was responsible for its safe keeping until regularly garrisoned, arrived with fifty or sixty laborers, and used his utmost exertions to get the fort in a condition to be defended. These laborers were all loyal, and they pledged themselves to stand ready to assist in the defence of the work.

On the fourteenth of January, hearing that the State (Florida) had seceded, and that Fort Morgan, in Mobile Bay, had been seized by the rebels, and that an expedition to seize the fort at Key West was freely spoken of on the mainland, Captain Brannan, acting in harmony with the views of Capt. Hunt, moved himself and entire command, consisting of about fifty men, into the fort. Soldiers and laborers coöperated in mounting the guns.

In the mean time Brannan had repeatedly written to the Secretary of War for orders, but received not a line in answer until the twenty-sixth of January, after Mr. Holt had come into office. The transfer of his command from the barracks to the fort was then approved of.

On the sixteenth of January Major Arnold, with two companies of artillery, arrived from Boston, and took possession of Fort Jefferson, at the Tortugas.

On the fourth of April the fort on this island (Key West) was reinforced by the arrival of Major French and two artillery companies, and soon after was further strengthened by the arrival of two infantry companies. Major French, after Gen. Twiggs's treasonable surrender of the military posts in Texas, had marched his command from the upper regions of that State to the seaboard, and had brought it to this place in a condition of admirable discipline.

Ranking Brannan, he assumed the command of the fort and barracks, and soon after inaugurated a system of local affairs on this island, which has been highly satisfactory to all Union-loving citizens, and which has been acquiesced in by the moderate secessionists as right and proper, but which has been highly unpalatable to the pervert-

ed and diseased tastes of others. These have retired from among us.

Captain Craven, having been ordered to New-York, returned to this place in the command of the Crusader about the same time that Major French arrived. He coöperated heartily with the Major in reëstablishing the authority of the Federal Government.

The collector, district-attorney, and marshal, were all early zealous secessionists. The marshal resigned early in March, leaving the court without an executive officer until the fourteenth of April, when a new marshal was appointed.

Honor to whom honor is due. You will perceive at once, upon reading the above statement, that the army and navy officers on this station, in the most trying times, were as true in their loyalty to the Union as the needle to the pole; and to them, and to their early foresight and prompt military action, is the preservation of Forts Taylor and Jefferson due, much more and in a much higher sense than to any moral influence that could be exerted by any civil magistrate, whatever might be his loyalty. But had I proved disloyal myself, I believe these gentlemen would have proved faithful, and when the right time came I am glad to believe that I should have been the first person on this island to be "subjugated" to the authority of the United States by their military power.

Very respectfully, etc.,

WILLIAM MERVINE.

Doc. 38.

THE CONTEST IN AMERICA.

BY JOHN STUART MILL.

THE cloud which for the space of a month hung gloomily over the civilized world, black with far worse evils than those of simple war, has passed from over our heads without bursting. The fear has not been realized, that the only two first-rate Powers who are also free nations would take to tearing each other in pieces, both the one and the other in a bad and odious cause. For while, on the American side, the war would have been one of reckless persistency in wrong, on ours it would have been a war in alliance with, and to practical purposes, in defence and propagation of slavery. We had, indeed, been wronged. We had suffered an indignity, and something more than an indignity, which not to have resented, would have been to invite a constant succession of insults and injuries from the same and from every other quarter. We could have acted no otherwise than we have done: yet it is impossible to think, without something like a shudder, from what we have escaped. We, the emancipators of the slave—who have wearied every court and government in Europe and America with our protests and remonstrances, until we goaded them into at least ostensibly coöperating with us to prevent the enslaving of the negro—we, who for the last half century have spent annual sums equal to the

revenue of a small kingdom in blockading the African coast, for a cause in which we not only had no interest, but which was contrary to our pecuniary interest, and which many believed would ruin, as many among us still, though erroneously, believe that it has ruined, our colonies—we should have lent a hand to setting up, in one of the most commanding positions of the world, a powerful republic, devoted not only to slavery, but to pro-slavery propagandism—should have helped to give a place in the community of nations to a conspiracy of slave-owners, who have broken their connection with the American federation on the sole ground, ostentatiously proclaimed, that they thought an attempt would be made to restrain, not slavery itself, but their purpose of spreading slavery wherever migration or force could carry it.

A nation which has made the professions that England has, does not with impunity, under however great provocation, betake itself to frustrating the objects for which it has been calling on the rest of the world to make sacrifices of what they think their interest. At present, all the nations of Europe have sympathized with us; have acknowledged that we were injured, and declared, with rare unanimity, that we had no choice but to resist, if necessary, by arms. But the consequences of such a war would soon have buried its causes in oblivion. When the new Confederate States, made an independent power by English help, had begun their crusade to carry negro slavery from the Potomac to Cape Horn, who would then have remembered that England raised up this scourge to humanity not for the evil's sake, but because somebody had offered an insult to her flag? Or even if unforgotten, who would then have felt that such a grievance was a sufficient palliation of the crime? Every reader of a newspaper, to the furthest ends of the earth, would have believed and remembered one thing only—that at the critical juncture which was to decide whether slavery should blaze up afresh with increased vigor or be trodden out—at the moment of conflict between the good and the evil spirit—at the dawn of a hope that the demon might now at last be chained and flung into the pit, England stepped in, and for the sake of cotton, made Satan victorious.

The world has been saved from this calamity, and England from this disgrace. The accusation would indeed have been a calumny. But to be able to defy calumny, a nation, like an individual, must stand very clear of just reproach in its previous conduct. Unfortunately, we ourselves have given too much plausibility to the charge. Not by anything said or done by us as a government or as a nation, but by the tone of our press, and in some degree, it must be owned, the general opinion of English society. It is too true, that the feelings which have been manifested since the beginning of the American contest—the judgments which have been put forth, and the wishes which have been expressed concerning the incidents and probable eventualities of the struggle—the bitter and irritating criticism which has been kept up,

not even against both parties equally, but almost solely against the party in the right, and the ungenerous refusal of all those just allowances which no country needs more than our own, whenever its circumstances are as near to those of America as a cut finger is to an almost mortal wound—these facts, with minds not favorably disposed to us, would have gone far to make the most odious interpretation of the war in which we have been so nearly engaged with the United States, appear by many degrees the most probable. There is no denying that our attitude toward the contending parties, (I mean our moral attitude, for politically there was no other course open to us than neutrality,) has not been that which becomes a people who are as sincere enemies of slavery as the English really are, and have made as great sacrifices to put an end to it where they could. And it has been an additional misfortune that some of our most powerful journals have been for many years past very unfavorable exponents of English feeling on all subjects connected with slavery; some, probably, from the influences, more or less direct, of West-India opinions and interests; others from inbred torism, which, even when compelled by reason to hold opinions favorable to liberty, is always adverse to it in feeling; which likes the spectacle of irresponsible power exercised by one person over others; which has no moral repugnance to the thought of human beings born to the penal servitude for life, to which for the term of a few years we sentence our most hardened criminals, but keeps its indignation to be expended on "rabid and fanatical abolitionists" across the Atlantic, and on those writers in England who attach a sufficiently serious meaning to their Christian professions, to consider a fight against slavery as a fight for God.

Now, when the mind of England, and it may almost be said of the civilized part of mankind, has been relieved from the incubus which had weighed on it ever since the Trent outrage, and when we are no longer feeling toward the Northern Americans as men feel toward those with whom they may be on the point of struggling for life or death; now, if ever, is the time to review our position and consider whether we have been feeling what ought to have been felt, and wishing what ought to have been wished, regarding the contest in which the Northern States are engaged with the South.

In considering this matter, we ought to dismiss from our minds as far as possible, those feelings against the North which have been engendered not merely by the Trent aggression, but by the previous anti-British effusions of newspaper writers and stump orators. It is hardly worth while to ask how far these explosions of ill-humor are anything more than might have been anticipated from ill-disciplined minds, disappointed of the sympathy which they justly thought they had a right to expect from the great anti-slavery people in their really noble enterprise. It is almost superfluous to remark that a democratic government always shows worst where other governments show best—on its outside; that unreason-

able people are much more noisy than the reasonable; that the froth and scum are the part of a violently fermenting liquid that meets the eyes, but are not its body and substance. Without insisting on these things, I contend that all previous cause of offence should be considered as cancelled, by the reparation which the American Government has so amply made; not so much the reparation itself, which might have been so made as to leave still greater cause of permanent resentment behind it, but the manner and spirit in which they have made it. These have been such, as most of us, I venture to say, did not by any means expect. If reparation were made at all, of which few of us felt more than a hope, we thought that it would have been made obviously as a concession to prudence, not to principle. We thought that there would have been truckling to the newspaper editors and supposed fire-eaters, who were crying out for retaining the prisoners at all hazards. We expected that the atonement, if atonement there were, would have been made with reservations, perhaps under protest. We expected that the correspondence would have been spun out, and a trial made to induce England to be satisfied with less; or that there would have been a proposal of arbitration; or that England would have been asked to make concessions in return for justice; or that, if submission were made, it would have been made ostensibly to the opinions and wishes of Continental Europe. We expected anything, in short, which would have been weak, and timid, and paltry. The only thing which no one seemed to expect is what has actually happened. Mr. Lincoln's Government have done none of these things. Like honest men, they have said in direct terms, that our demand was right; that they yielded to it because it was just; that if they themselves had received the same treatment they would have demanded the same reparation; and that if what seemed to be the American side of the question was not the just side, they would be on the side of justice, happy as they were to find, after their resolution had been taken, that it was also the side which America had formerly defended. Is there any one, capable of a moral judgment or feeling, who will say that his opinion of America and American statesmen, is not raised by such an act, done on such grounds? The act itself may have been imposed by the necessity of the circumstances; but the reasons given, the principles of action professed, were their own choice. Putting the worst hypothesis possible, which it would be the height of injustice to entertain seriously, that the concession was really made solely to convenience, and that the profession of regard for justice was hypocrisy, even so, the ground taken, even if insincerely, is the most hopeful sign of the moral state of the American mind which has appeared for many years. That a sense of justice should be the motive which the rulers of a country rely on, to reconcile the public to an unpopular, and what might seem a humiliating act; that the journalists, the orators, many lawyers, the Lower House of Congress, and Mr. Lincoln's own Naval

Secretary, should be told, in the face of the world, by their own Government, that they have been giving public thanks, presents of swords, freedom of cities, all manner of heroic honors to the author of an act which, though not so intended, was lawless and wrong, and for which the proper remedy is confession and atonement; that this should be the accepted policy (supposing it to be nothing higher) of a Democratic Republic, shows even unlimited democracy to be a better thing than many Englishmen have lately been in the habit of considering it, and goes some way towards proving that the aberrations even of a ruling multitude are only fatal when the better instructed have not the virtue or the courage to front them boldly. Nor ought it to be forgotten, to the honor of Mr. Lincoln's Government, that in doing what was in itself right, they have done also what was best fitted to allay the animosity which was daily becoming more bitter between the two nations so long as the question remained open. They have put the brand of confessed injustice upon that rankling and vindictive resentment with which the profligate and passionate part of the American press has been threatening us, in the event of concession, and which is to be manifested by some dire revenge, to be taken, as they pretend, after the nation is extricated from its present difficulties. Mr. Lincoln has done what depended on him to make this spirit expire with the occasion which raised it up; and we shall have ourselves chiefly to blame if we keep it alive by the further prolongation of that stream of vituperative eloquence, the source of which, even now, when the cause of quarrel has been amicably made up, does not seem to have run dry.*

Let us, then, without reference to these jars, or to the declamation of newspaper writers on either side of the Atlantic, examine the American question as it stood from the beginning; its origin, the purpose of both the combatants, and its various possible or probable issues.

There is a theory in England, believed perhaps by some, half believed by many more, which is only consistent with original ignorance, or complete subsequent forgetfulness, of all the antecedents of the contest. There are people who tell us that, on the side of the North the question is not one of slavery at all. The North, it seems, have no more objection to slavery than the South have. Their leaders never say one word implying disapprobation of it. They are ready, on the contrary, to give it new guarantees; to renounce all that they have been contending for; to win

* I do not forget one regrettable passage in Mr. Seward's letter, in which he said that: "If the safety of the Union required the detention of the captured persons, it would be the right and duty of this Government to detain them." I sincerely grieve to find this sentence in the despatch, for the exceptions to the general rules of morality are not a subject to be lightly or unnecessarily tampered with. The doctrine, in itself, is no other than that professed and acted on by all governments—that self-preservation, in a State, as in an individual, is a warrant for many things which, at all other times, ought to be rigidly abstained from. At all events, no nation which has ever passed "laws of exception," which ever suspended the *habeas corpus* act, or passed an alien bill in dread of a Chartist insurrection, has a right to throw the first stone at Mr. Lincoln's Government.

back, if opportunity offers, the South to the Union by surrendering the whole point.

If this be the true state of the case, what are the Southern chiefs fighting about? Their apologists in England say that it is about tariffs, and similar trumpery. *They* say nothing of the kind. They tell the world, and they told their own citizens when they wanted their votes, that the object of the fight was slavery. Many years ago, when Gen. Jackson was President, South-Carolina did nearly rebel (she never was near separating) about a tariff; but no other State abetted her, and a strong adverse demonstration from Virginia brought the matter to a close. Yet the tariff of that day was rigidly protective. Compared with that, the one in force at the time of the secession was a free-trade tariff. This latter was the result of several successive modifications in the direction of freedom; and its principle was not protection for protection, but as much of it only as might incidentally result from duties imposed for revenue. Even the Morrill tariff (which never could have been passed but for the Southern secession) is stated by the high authority of Mr. H. C. Carey to be considerably more liberal than the reformed French tariff under Mr. Cobden's treaty; inasmuch that he, a Protectionist, would be glad to exchange his own protective tariff for Louis Napoleon's free-trade one. But why discuss, on probable evidence, notorious facts? The world knows what the question between the North and South has been for many years, and still is. Slavery alone was thought of, alone talked of. Slavery was battled for and against, on the floor of Congress and in the plains of Kansas; on the slavery question exclusively was the party constituted which now rules the United States; on slavery, Fremont was rejected; on slavery, Lincoln was elected; the South separated on slavery, and proclaimed slavery as the one cause of separation.

It is true enough that the North are not carrying on war to abolish slavery where it legally exists. Could it have been expected, or even perhaps desired, that they should? A great party does not change suddenly, and at once, all its principles and professions. The Republican party have taken their stand on law, and the existing Constitution of the Union. They have disclaimed all right to attempt anything which that Constitution forbids. It does forbid interference by the Federal Congress with slavery in the slave States; but it does not forbid their abolishing it in the District of Columbia; and this they are now doing, having voted, I perceive, in their present pecuniary straits, a million of dollars to indemnify the slave-owners of the District. Neither did the Constitution, in their own opinion, require them to permit the introduction of slavery into the Territories, which were not yet States. To prevent this, the Republican party was formed, and to prevent it they are now fighting, as the slave-owners are fighting to enforce it.

The present Government of the United States is not an abolitionist government. Abolitionists, America, mean those who do not keep within

the Constitution; who demand the destruction (as far as slavery is concerned) of as much of it as protects the internal legislation of each State from the control of Congress; who aim at abolishing slavery wherever it exists, by force if need be, but certainly by some other power than the constituted authorities of the slave States. The Republican party neither aim nor profess to aim at this object. And when we consider the flood of wrath which would have been poured out against them if they did, by the very writers who now taunt them with not doing it, we shall be apt to think the taunt a little misplaced. But though not an abolitionist party, they are a free-soil party. If they have not taken arms against slavery, they have against its extension. And they know, as we may know if we please, that this amounts to the same thing. The day when slavery can no longer extend itself, is the day of its doom. The slave-owners know this, and it is the cause of their fury. They know, as all know who have attended to the subject, that confinement within existing limits is its death-warrant. Slavery, under the conditions in which it exists in the States, exhausts even the beneficent powers of nature. So incompatible is it with any kind whatever of skilled labor, that it causes the whole productive resources of the country to be concentrated on one or two products, cotton being the chief, which require to raise and prepare them for the market little beside brute, animal force. The cotton cultivation, in the opinion of all competent judges, alone saves North-American slavery; but cotton cultivation, exclusively adhered to, exhausts, in a moderate number of years, all the soils which are fit for it, and can only be kept up by travelling further and further westward. Mr. Olmsted has given a vivid description of the desolate state of parts of Georgia and the Carolinas, once among the richest specimens of soil and cultivation in the world; and even the more recently colonized Alabama, as he shows, is rapidly following in the same downhill track. To slavery, therefore, it is a matter of life and death to find fresh fields for the employment of slave labor. Confine it to the present States, and the owners of slave property will either be speedily ruined, or will have to find means of reforming and renovating their agricultural system, which cannot be done without treating the slaves like human beings, nor without so large an employment of skilled—that is, of free—labor, as will widely displace the unskilled, and so depreciate the pecuniary value of the slave, that the immediate mitigation and ultimate extinction of slavery would be a nearly inevitable and probably rapid consequence.

The Republican leaders do not talk to the public of these almost certain results of success in the present conflict. They talk but little in the existing emergency, even of the original cause of the quarrel. The most ordinary policy teaches them to inscribe on their banner that part only of their known principles in which their supporters are unanimous. The preservation of the Union is an object about which the North are

agreed; and it has many adherents, as they believe, in the South generally. That nearly half the population of the Border slave States are in favor of it is a patent fact, since they are now fighting in its defence. It is not probable that they would be willing to fight directly against slavery. The Republicans well know that if they can reestablish the Union they gain everything for which they originally contended: and it would be a plain breach of faith with the Southern friends of the Government, if, after rallying them around its standard for a purpose of which they approve, it were suddenly to alter its terms of communion without their consent.

But the parties in a protracted civil war almost always end by taking more extreme, not to say higher grounds of principle than they began with. Middle parties and friends of compromise are soon left behind; and if the writers who so severely criticise the present moderation of the free-soilers are desirous to see the war become an abolition war, it is probable that if the war lasts long enough they will be gratified. Without the smallest pretension to see further into futurity than other people, I at least have foreseen and foretold from the first that if the South were not promptly put down, the contest would become distinctly an anti-slavery one; nor do I believe that any person accustomed to reflect on the course of human affairs in troubled times can expect anything else. Those who have read, even cursorily, the most valuable testimony to which the English public have access, concerning the real state of affairs in America—the letters of *The Times* correspondent, Mr. Russell—must have observed how early and rapidly he arrived at the same conclusion, and with what increasing emphasis he now continually reiterates it. In one of his recent letters he names the end of next summer as the period by which, if the war has not sooner terminated, it will have assumed a complete anti-slavery character. So early a term exceeds, I confess, my most sanguine hopes; but if Mr. Russell be right, Heaven forbid that the war should cease sooner, for if it lasts till then, it is quite possible that it will regenerate the American people.

If, however, the purposes of the North may be doubted or misunderstood, there is at least no question as to those of the South. They make no concealment of *their* principles. As long as they were allowed to direct all the policy of the Union; to break through compromise after compromise, encroach step after step, until they reached the pitch of claiming a right to carry slave property into the Free States, and, in opposition to the laws of those States, hold it as property there; so long, they were willing to remain in the Union. The moment a President was elected of whom it was inferred from his opinions, not that he would take any measures against slavery where it exists, but that he would oppose its establishment where it exists not—that moment they broke loose from what was, at least, a very solemn contract, and formed

themselves into a Confederation professing as its fundamental principle not merely the perpetuation, but the indefinite extension of slavery. And the doctrine is loudly preached through the new Republic, that slavery, whether black or white, is a good in itself, and the proper condition of the working classes everywhere.

Let me, in a few words, remind the reader what sort of a thing this is, which the white oligarchy of the South have banded themselves together to propagate, and establish if they could, universally. When it is wished to describe any portion of the human race as in the lowest state of debasement, and under the most cruel oppression, in which it is possible for human beings to live, they are compared to slaves. When words are sought by which to stigmatize the most odious despotism, exercised in the most odious manner, and all other comparisons are found inadequate, the despots are said to be like slave-masters, or slave-drivers. What, by a rhetorical license, the worst oppressors of the human race, by way of stamping on them the most hateful character possible, are said to be, these men, in very truth, are. I do not mean that all of them are hateful personally, any more than all the inquisitors, or all the buccaneers. But the position which they occupy, and the abstract excellence of which they are in arms to vindicate, is that which the united voice of mankind habitually selects as the type of all hateful qualities. I will not bandy chicanery about the more or less of stripes or other torments which are daily requisite to keep the machine in working order, nor discuss whether the Legrees or the St. Clairs are more numerous among the slave-owners of the Southern States. The broad facts of the case suffice. One fact is enough. There are, heaven knows, vicious and tyrannical institutions in ample abundance on the earth. But this institution is the only one of them all which requires, to keep it going, that human beings should be burned alive. The calm and dispassionate Mr. Olmsted affirms that there has not been a single year, for many years past, in which this horror is not known to have been perpetrated in some part or other of the South. And not upon negroes only; the *Edinburgh Review*, in a recent number, gave the hideous details of the burning alive of an unfortunate Northern huckster by Lynch law, on the mere suspicion of having aided in the escape of a slave. What must American slavery be, if deeds like these are necessary under it? and if they are not necessary and are yet done, is not the evidence against slavery still more damning? The South are in rebellion not for simple slavery; they are in rebellion for the right of burning human creatures alive.

But we are told, by a strange misapplication of a true principle, that the South had a *right* to separate; that their separation ought to have been consented to, the moment they showed themselves ready to fight for it; and that the North, in resisting it, are committing the same error and wrong which England committed in opposing the original separation of the thirteen

colonies. This is carrying the doctrine of the sacred right of insurrection rather far. It is wonderful how easy and liberal and complying people can be in other people's concerns. Because they are willing to surrender their own past, and have no objection to join in reprobation of their great-grandfathers, they never put themselves the question what they themselves would do in circumstances far less trying, under far less pressure of real national calamity. Would those who profess these ardent revolutionary principles consent to their being applied to Ireland, or India, or the Ionian Islands? How have they treated those who did attempt so to apply them? But the case can dispense with any mere *argumentum ad hominem*. I am not frightened at the word rebellion. I do not scruple to say that I have sympathized more or less ardently with most of the rebellions, successful and unsuccessful, which have taken place in my time. But I certainly never conceived that there was a sufficient title to my sympathy in the mere fact of being a rebel; that the act of taking arms against one's fellow-citizens was so meritorious in itself, was so completely its own justification, that no question need be asked concerning the motive. It seems to me a strange doctrine that the most serious and responsible of all human acts imposes no obligation on those who do it of showing that they have a real grievance; that those who rebel for the power of oppressing others exercise as sacred a right as those who do the same thing to resist oppression practised upon themselves. Neither rebellion nor any other act which affects the interests of others is sufficiently legitimated by the mere will to do it. Secession may be laudable, and so may any other kind of insurrection; but it may also be an enormous crime. It is the one or the other, according to the object and the provocation. And if there ever was an object which, by its bare announcement, stamped rebels against a particular community as enemies of mankind, it is the one professed by the South. Their right to separate is the right which Cartouche or Turpin would have had to secede from their respective countries, because the laws of those countries would not suffer them to rob and murder on the highway. The only real difference is that the present rebels are more powerful than Cartouche or Turpin, and may possibly be able to effect their iniquitous purpose.

Suppose, however, for the sake of argument, that the mere will to separate were in this case, or in any case, a sufficient ground for separation, I beg to be informed *whose* will? The will of any knot of men who, by fair means or foul, by usurpation, terrorism, or fraud, have got the reins of government into their hands? If the inmates of Parkhurst Prison were to get possession of the Isle of Wight, occupy its military positions, enlist one part of its inhabitants in their own ranks, set the remainder of them to work in chain-gangs, and declare themselves independent, ought their recognition by the British Government to be an immediate consequence? Before admitting the authority of any persons, as organs of the will of

the people, to dispose of the whole political existence of a country, I ask to see whether their credentials are from the whole or only from a part. And first, it is necessary to ask, Have the slaves been consulted? Has *their* will been counted as any part in the estimate of collective volition? They are a part of the population.

However natural in the country itself, it is rather cool in English writers who talk so glibly of the ten millions, (I believe there are only eight,) to pass over the very existence of four millions who must abhor the idea of separation. Remember, we consider them to be human beings, entitled to human rights. Nor can it be doubted that the mere fact of belonging to a Union in some parts of which slavery is reprobated is some alleviation of their condition, if only as regards future probabilities. But even of the white population, it is questionable if there was in the beginning a majority for secession anywhere but in South-Carolina. Though the thing was predetermined, and most of the States committed by their public authorities before the people were called on to vote; though in taking the votes terrorism in many places reigned triumphant; yet even so, in several of the States, secession was carried only by narrow majorities. In some the authorities have not dared to publish the numbers; in some it is asserted that no vote has ever been taken. Further, (as was pointed out in an admirable letter by Mr. Carey,) the Slave States are intersected in the middle, from their northern frontier almost to the Gulf of Mexico, by a country of free labor—the mountain region of the Alleghanies and their dependencies, forming parts of Virginia, North-Carolina, Tennessee, Georgia, and Alabama, in which, from the nature of the climate and of the agricultural and mining industry, slavery to any material extent never did and never will exist. This mountain zone is peopled by ardent friends of the Union. Could the Union abandon them, without even an effort, to be dealt with at the pleasure of an exasperated slave-owning oligarchy? Could it abandon the Germans who, in Western Texas, have made so meritorious a commencement of growing cotton on the borders of the Mexican Gulf by free labor? Were the right of the slave-owners to secede ever so clear, they have no right to carry these with them; unless allegiance is a mere question of local proximity, and my next neighbor, if I am a stronger man, can be compelled to follow me in any lawless vagaries I choose to indulge.

But (it is said) the North will never succeed in conquering the South; and since the separation must in the end be recognised, it is better to do at first what must be done at last; moreover, if it did conquer them, it could not govern them when conquered, consistently with free institutions. With no one of these propositions can I agree.

Whether or not the Northern Americans *will* succeed in reconquering the South, I do not affect to foresee. That they *can* conquer it, if their present determination holds, I have never entertained a doubt; for they are twice as numerous,

and ten or twelve times as rich. Not by taking military possession of their country, or marching an army through it, but by wearing them out, exhausting their resources, depriving them of the comforts of life, encouraging their slaves to desert, and excluding them from communication with foreign countries. All this, of course, depends on the supposition that the North does not give in first. Whether they will persevere to this point, or whether their spirit, their patience, and the sacrifices they are willing to make, will be exhausted before reaching it, I cannot tell. They may, in the end, be wearied into recognising the separation. But to those who say that because this may have to be done at last, it ought to have been done at first, I put the very serious question: On what terms? Have they ever considered what would have been the meaning of separation if it had been assented to by the Northern States when first demanded? People talk as if separation meant nothing more than the independence of the seceding States. To have accepted it under that limitation would have been, on the part of the South, to give up that which they have seceded expressly to preserve. Separation, with them, means at least half the Territories, including the Mexican border, and the consequent power of invading and overrunning Spanish America, for the purpose of planting there the "peculiar institution," which even Mexican civilisation has found too bad to be endured. There is no knowing to what point of degradation a country may be driven in a desperate state of its affairs; but if the North *ever*, unless on the brink of actual ruin, makes peace with the South, giving up the original cause of quarrel, the freedom of the Territories; if it resigns to them, when out of the Union, that power of evil which it would not grant to retain them in the Union—it will incur the pity and disdain of posterity. And no one can suppose that the South would have consented, or in their present temper ever will consent, to an accommodation on any other terms. It will require a succession of humiliations to bring them to that. The necessity of reconciling themselves to the confinement of slavery within its existing boundaries, with the natural consequence, immediate mitigation of slavery and ultimate emancipation, is a lesson which they are in no mood to learn from anything but disaster. Two or three defeats in the field, breaking their military strength, though not followed by an invasion of their territory, may possibly teach it to them. If so, there is no breach of charity in hoping that this severe schooling may promptly come. When men set themselves up, in defiance of the rest of the world, to do the devil's work, no good can come of them until the world has made them feel that this work cannot be suffered to be done any longer. If this knowledge does not come to them for several years, the abolition question will by that time have settled itself; for assuredly Congress will very soon make up its mind to declare all slaves free who belong to persons in arms against the Union. When that is done, slavery, confined to a minority, will soon cure itself; and

the pecuniary value of the negroes belonging to loyal masters will probably not exceed the amount of compensation which the United States will be willing and able to give.

The assumed difficulty of governing the Southern States as free and equal commonwealths, in case of their return to the Union, is purely imaginary. If brought back by force, and not by voluntary compact, they will return without the Territories, and without a Fugitive Slave Law. It may be assumed that in that event the victorious party would make the alterations in the Federal Constitution which are necessary to adapt it to the new circumstances, and which would not infringe, but strengthen, its democratic principles. An article would have to be inserted prohibiting the extension of slavery to the Territories, or the admission into the Union of any new Slave State. Without any other guarantee, the rapid formation of new Free States would ensure to freedom a decisive and constantly increasing majority in Congress. It would also be right to abrogate that bad provision of the Constitution (a necessary compromise at the time of its first establishment) whereby the slaves, though reckoned as citizens in no other respect, are counted, to the extent of three fifths of their number, in the estimate of their population for fixing the number of representatives of each State in the Lower House of Congress. Why should the masters have members in right of their human chattels, any more than of their oxen and pigs? The President, in his Message, has already proposed that this salutary reform should be effected in the case of Maryland, additional territory, detached from Virginia, being given to that State as an equivalent: thus clearly indicating the policy which he approves, and which he is probably willing to make universal.

As it is necessary to be prepared for all possibilities, let us now contemplate another. Let us suppose the worst possible issue of this war—the one apparently desired by those English writers whose moral feeling is so philosophically indifferent between the apostles of slavery and its enemies. Suppose that the North should stoop to recognise the new confederation on its own terms, leaving it half the Territories, and that it is acknowledged by Europe, and takes its place as an admitted member of the community of nations. It will be desirable to take thought beforehand what are to be our own future relations with a new power, professing the principles of Attila and Genghis Khan as the foundation of its constitution. Are we to see with indifference its victorious army let loose to propagate their national faith at the rifle's mouth through Mexico and Central America? Shall we submit to see fire and sword carried over Cuba and Porto Rico, and Hayti and Liberia conquered and brought back to slavery? We shall soon have causes enough of quarrel on our own account. When we are in the act of sending an expedition against Mexico to redress the wrongs of private British subjects, we should do well to reflect in time that the President of the new Republic, Mr. Jefferson

Davis, was the original inventor of repudiation. Mississippi was the first State which repudiated. Mr. Jefferson Davis was Governor of Mississippi, and the Legislature of Mississippi had passed a bill recognising and providing for the debt, which bill Mr. Jefferson Davis vetoed. Unless we abandon the principles we have for two generations consistently professed and acted on, we should be at war with the new Confederacy within five years about the African slave-trade. An English Government will hardly be base enough to recognise them, unless they accept all the treaties by which America is at present bound; nor, it may be hoped, even if *de facto* independent, would they be admitted to the courtesies of diplomatic intercourse, unless they granted in the most explicit manner the right of search. To allow the slave-ships of a confederation formed for the extension of slavery to come and go free, and unexamined, between America and the African coast, would be to renounce even the pretence of attempting to protect Africa against the man-stealer, and abandon that continent to the horrors, on a far larger scale, which were practised before Granville Sharp and Clarkson were in existence. But even if the right of intercepting their slaves were acknowledged by treaty, which it never would be, the arrogance of the Southern slaveholders would not long submit to its exercise. Their pride and self-conceit, swelled to an inordinate height by their successful struggle, would defy the power of England as they had already successfully defied that of their Northern countrymen. After our people, by their cold disapprobation, and our press by its invective, had combined with their own difficulties to damp the spirit of the Free States, and drive them to submit and make peace, we should have to fight the Slave States ourselves at far greater disadvantages, when we should no longer have the wearied and exhausted North for an ally. The time might come when the barbarous and barbarizing Power, which we by our moral support had helped into existence, would require a general crusade of civilized Europe, to extinguish the mischief which it had allowed, and we had aided, to rise up in the midst of our civilisation.

For these reasons I cannot join with those who cry, peace, peace. I cannot wish that this war should not have been engaged in by the North, or that being engaged in, it should be terminated on any conditions but such as would retain the whole of the territories as free soil. I am not blind to the possibility that it may require a long war to lower the arrogance and tame the aggressive ambition of the slave-owners, to the point of either returning to the Union, or consenting to remain out of it with their present limits. But war, in a good cause, is not the greatest evil which a nation can suffer. War is an ugly thing, but not the ugliest of things: the decayed and degraded state of moral and patriotic feeling which thinks nothing *worth* a war, is worse. When a people are used as mere human instruments for firing cannon or thrusting bayonets, in the service and for the selfish purposes of a master, such

war degrades a people. A war to protect other human beings against tyrannical injustice; a war to give victory to their own ideas of right and good, and which is their own war, carried on for an honest purpose by their free choice—is often the means of their regeneration. A man who has nothing which he is willing to fight for, nothing which he cares more about than he does about his personal safety, is a miserable creature who has no chance of being free, unless made and kept so by the exertions of better men than himself. As long as justice and injustice have not terminated *their* ever-renewing fight for ascendancy in the affairs of mankind, human beings must be willing, when need is, to do battle for the one against the other. I am far from saying that the present struggle, on the part of the Northern Americans, is wholly of this exalted character; that it has arrived at the stage of being altogether a war for justice, a war of principle. But there was from the beginning, and now is, a large infusion of that element in it; and this is increasing, will increase, and if the war lasts, will in the end predominate. Should that time come, not only will the greatest enormity which still exists among mankind as an institution, receive far earlier its *coup de grace* than there has ever, until now, appeared any probability of; but in effecting this the Free States will have raised themselves to that elevated position in the scale of morality and dignity, which is derived from great sacrifices consciously made in a virtuous cause, and the sense of inestimable benefit to all future ages, brought about by their own voluntary efforts.

Doc. 38.

CATHOLICS IN MASSACHUSETTS REGIMENTS.

IMPORTANT ORDER FROM GOV. ANDREW.

COMMONWEALTH OF MASSACHUSETTS, }
HEADQUARTERS, BOSTON, Sept. 14, 1861. }

COLONEL: It has been represented to me that the Roman Catholic soldiers in the Massachusetts regiments have been frequently debarred the privilege of attending public worship, conducted according to the rites of their Church, when it might have been easily accorded to them; and the motive of this action on the part of their officers is naturally attributed, by some persons, to sectarian prejudice and religious bigotry.

It is one of the misfortunes of a state of war, that the exercise of the most precious rights must often be denied, by the exigencies of discipline and of the service; and that it must often be impossible to allow officers or men to leave their quarters, even to discharge the sacred duty of attendance on Divine worship. And I am moreover advised that if any man has been denied this liberty at any time when it might reasonably have been granted, this has not been from any inclination to interfere with the rights of conscience, but from a mistaken estimate of the strictness of discipline required at the time.

By the appointment to each regiment of a Chaplain selected by the field-officers and company commanders, it has been sought to remedy, as far as possible, this difficulty, and provide for the spiritual wants of the troops; but if in any regiment there are soldiers whose religious convictions prevent them from attending on the regimental services, I trust that, whenever an opportunity offers, and the men can be allowed to be absent, the commanders of regiments will perceive the importance of aiding them in their desire to attend the services of their own churches, and would suggest that they might be sent in squads, under command of an officer detailed for that duty.

If other men, amid the bustle of life, are often forgetful of their obligations to God, a devout frame of mind should certainly be encouraged in the soldier, who may be at any moment called into his immediate presence; and those who are mindful of their duty to Him, will ever be found to be the best soldiers in a good cause, since they are the best men everywhere, truly regarding the rights of others, from a sense of moral rectitude, and brave before the face of all danger and every foe, as the dread of doing wrong casts out all other fear.

JOHN A. ANDREW,
Commander-in-Chief.

Doc. 39.

LETTER OF JOSEPH SEGAR TO A
FRIEND IN VIRGINIA,
IN VINDICATION OF HIS COURSE IN DECLINING TO
FOLLOW HIS STATE INTO SECESSION.*

Boston, November 3, 1861.

MY DEAR —:

You urge me, on account of my distressed wife and children, to return to Virginia, if I can possibly, and with characteristic generosity, you offer to divide with them and me your humble home. God knows that, next to peace for our afflicted country, the fondest wish of my heart is to be once more with the loved ones who, as you truly say, once made my home so happy. But we can never meet on the soil of our native land, at least during the continuance of this unhappy war; nor shall we ever, save on some blessed spot where waves that proud emblem of protecting power, the Stars and Stripes.

All considerations of mere personal safety aside, the conditions on which I am advised I may return to Virginia and be safe, are totally inadmissible.

Those conditions are, first, that I go by flag of truce to Norfolk, and there obtain from Gen. Hu-

ger a guard of protection; secondly, that under that guard I proceed to Richmond, and there take the oath of allegiance to Virginia before Gov. Letcher; and thirdly, that I also take there, before President Davis, the oath of allegiance to the confederate States of America.

I regret that I find it impossible to comply with these hard terms. I can accept no guard from Gen. Huger, nor from any one else who dares, in the land of Washington and Henry, uplift the flag of the confederate States. When I tread the soil of Virginia, I must tread it free as the air I quaff, with no guard to make me feel the humiliation of a craven slave, with "none to make me afraid."

Still less can I submit to the humiliation of taking the oath of allegiance to the land of my birth. There is no need that I should; I have never been disloyal to my State—no, never. I have but obeyed *her* highest law. She made the Constitution of the United States a part of her own State Constitution, and she prescribed that great masterpiece of human wisdom to me as a rule of my political conduct, and she prescribed it to me as a *supreme* rule. She gave it to me with two very marked provisions in it: first, that the laws made in pursuance of it should be the supreme law of the land, "anything in her own State Constitution or laws to the contrary notwithstanding;" secondly, that it should not be in any respect changed except by the consent of three fourths of all the States, in general convention or legislative body assembled.

The first of these provisions is too plain to be misconstrued. It tells me, in terms so plain that school-children may understand, that in a conflict between the Constitution and laws of the United States on the one hand, and those of my State on the other, I must give up the latter and stand by the former. This is just what I am doing. I am obeying my State's commands; I am standing by that higher law which she herself laid down for my guide, and disobedience to which is double disloyalty—disloyalty to her and disloyalty to the Government of the Union, which she, in the plenitude of her power, bade me regard as supreme. Wherein, then, have I been disloyal to my State? She had the undoubted right to issue to me her commands; am I disloyal to her when I execute those commands to the letter?

The second provision quoted is not less explicit. That Constitution which my State prescribed to me as a supreme rule is not to be altered, as she herself stipulated, except by the assent of three fourths of all her sister States. Is not this provision as much prescribed to me, and as binding on me, as any other? Did not my State, when she gave me this new rule, order me to guide myself by it, to cling to it, to stand by it and up to it, *until* it should be altered by three fourths of all the States? Was it not to remain a supreme rule, until thus altered?

This inquiry, then, only arises: *Has* the Constitution been changed by a three fourths majority? *It has not.* What then? Why this, surely: *that not having been altered in the only*

* This letter was addressed by the Hon. Joseph Segar to a relative of his wife in Virginia, in vindication of his course in regard to the secession of his State, and was sent by him to Alexandria, to be read before the Union Association of that city, in lieu of an address which Mr. S. had engaged to deliver before the Association, but which his engagements prevented him from making. The vindication being regarded an entirely successful one, and equally applying to others of his fellow-citizens similarly involved, a number of the latter desired and requested its publication, and hence, with the consent of the author, it is given to the public.

mode in which it can be legally altered, it is binding, *in its original form, with agreed amendments*, upon my State, and upon each and every State, and upon each and every citizen of every State that was living under the Union at the time of its formation, and that has lived under its blessed jurisdiction since. And it will continue to be so binding, until the form of the instrument shall have been changed in the only constitutional mode prescribed.

These two manifest provisions, then, of the Federal Constitution stamp supremacy upon the Government and laws of the Union, as visibly as the footprint is impressed on the fresh-fallen snow.

If these positions be well taken, it follows, as the shadow the substance, that if I obey an order of my State to give up and no longer acknowledge the authority of the Federal Government, I allow myself to be made a rebel of, and if I take up arms against it, or give its enemies aid and comfort, a traitor. My State, I devoutly believe and solemnly protest, has no such prerogative. With all her broad province of authority, she wants the power to make of me a rebel or a traitor, against my consent. At all events, as I, individually, am to be held responsible, and by an all-powerful government, and as, in a case of personal treason, my neck, and not my State's, is to feel the halter's throttle, I have thought myself free to keep on safety's side.

But I am told that my State, as a sovereign State, has the legal right to secede; in other words, to break up the Union at her pleasure; and that all true and patriotic Virginians are bound to follow her, and will follow her, no matter whither.

This doctrine, so flattering to State pride, I confess I have not been altogether averse to falling into—a thing not very unnatural in a political community in which the Resolutions of '98, with extreme interpretation, alone light the pathway of political aspirants; but it never had from me that assent which is founded in deliberate investigation and honest conviction. Not until this startling issue of the life or death of the Government came upon us, did I discharge the solemn duty to my country of considering, in all its aspects and consequences, this doctrine of separate State secession. I have now examined it fully, and with the sole view of learning where duty pointed me; and I have reached a conviction unobscured by the shadow of a single doubt, that no obligation to my State binds me to follow in the path which has led her to disunion. She has no constitutional power to release herself or me from the bonds of that paramount allegiance to the Federal Government, with which she bound herself, and me, and all her citizens.

If it be indeed true that the Constitution and laws of the Union are superior to, and overrule, the constitution and laws of the separate States—and if it be further true that the Constitution cannot be altered except in a particular mode, which particular mode has not been resorted to—then secession is, irresistibly, an absurdity. Two

supreme powers in a government are simply impossible, and a power cannot be exercised by a single State which is delegated, without reservation, to three fourths of a certain number of States; and so this doctrine of secession is whirled down the vortex of a gulf so deep that no gurgle is heard for its requiem.

And from no such source as the much boasted one of State sovereignty, can it ever rise into life. Since the Union was formed, there has been in our system no such thing as State sovereignty. It is a myth, a fancy, as ideal as Aladdin's lamp or the philosopher's stone. Virginia, as a State, cannot declare war, nor raise an army, nor maintain a navy, nor coin a copper cent or a silver dime, nor establish a post-office, nor lay an import or export duty, nor make bank-notes a legal tender, nor suspend the habeas corpus, nor abolish the trial by jury, nor ordain an established religion, nor make a treaty, nor enter into an alliance or confederation, nor pass an *ex post facto* law, or law impairing the obligation of contracts. All these things have been done, and may again of right be done, by absolutely sovereign states; but no State of the Union has ever exercised a single one of these sovereign prerogatives; and, therefore, no State, after it became a member of the Union, can be said to be sovereign. To say, then, that the right of secession results from the sovereignty of the States—a quality which no separate State possesses—is an absurdity no less patent than that which supposes the Federal Government and that of the separate States to be each supreme within the same sphere. The doctrine is as void of reason as a barrel without heading is of capacity to hold water.

But it is strenuously urged upon me that when a State acts through a convention, her action then becomes the action of a sovereign State, and that my State, having in convention determined to secede, I and all her sons should follow in her track. I can not recognise this logic. Undoubtedly the action of a State in convention, within the sphere of unquestioned authority, is the highest form her political action can assume. But if a thing is wrong under the higher law of the Federal Constitution, can a State make it right by doing it through the medium of a convention? Does the formality of a convention, any more than simple legislative proceeding, legalize that which is illegal? The Constitution says the laws of the Union shall be supreme: does the simple act of going into separate convention destroy that supremacy? The Constitution declares that not one of its provisions shall be changed, except by the concurrent assent of three fourths of the States. Does a State by acting in convention, acquire the power of itself to change it? The Constitution provides expressly that no State shall enter into any confederation or alliance. Does the fact that the Southern Confederacy was formed by the action of separate State conventions invest that grand usurpation with constitutionality, and relieve the actors who set it up of the sin and wickedness of a deliberate infraction of an instrument which they had in

better times acknowledged to confer supreme authority, and which they had covenanted never to vary but by consultation with all the States, and the express sanction of a three fourths majority of all? A State cannot declare war: can it acquire that forbidden power by seizing it in convention? Logically, the doctrine is absurd; and it is no better in morality; for it makes lawful, by a cheap and easy process, what was unlawful before: and carried out, it negatives altogether the existence of a Confederated Government, and would make every government of a confederation but another name for anarchy, disruption, and revolution.

The naked truth is, then, that each State, the moment it assented to a Constitution which refers all matters of amendment to the tribunal of three fourths of the States, renounced forever all right of separate secession, and in every form, whether of convention or of ordinary legislation, or of direct vote of the people. The renunciation was absolute and unconditional, without any limitation, qualification, or reservation.

This is the common-sense view which entirely satisfies my conscience as to the position I have taken; but I am not a little comforted, in the midst of the contumely which my course has provoked at home, that it is sustained by the most eminent of State rights authorities. Patrick Henry, the leading and most eloquent adversary of the Federal Constitution, because of what he regarded its consolidation tendencies, early rebuked the idea of separate State secession. In the Virginia Convention, called in 1788, to consider the Federal Constitution, he said:

"Have they said, *We, the States?* Have they made a proposal of a compact between *States?* If they *had*, this would be a Confederation; it is otherwise most clearly a *consolidated government*. The whole question turns, sir, upon that poor little thing—the expression, *We, the people*, instead of *the States of America*."

And so on the hustings, in the county of Charlotte, lamenting the adoption by the Legislature of his State of the resolutions of '98, as tending to rebellion and treason, he declared:

"That the State had quitted the sphere in which she had been placed by the Constitution; and, in daring to pronounce upon the validity of Federal laws, had gone out of her jurisdiction in a manner not warranted by any authority, and in the highest degree alarming to every considerate man; that such opposition on the part of Virginia to the acts of the general Government, *must* beget their enforcement by military power; that this would probably produce civil war; civil war, foreign alliances; and foreign alliances must necessarily end in subjugation to the powers called in."

How strangely and mournfully prophetic!

And on the same occasion, he put the whole doctrine of secession in a nutshell, and reduced it to a thrice-palpable absurdity by inquiring:

"*Whether the county of Charlotte would have authority to dispute an obedience to the laws of Virginia, and he pronounced Virginia to be to*

the Union, what the county of Charlotte was to her."

Mr. Jefferson, while the Virginia Convention of 1788 was in session, complimented that admirable provision of the Federal Constitution (then under consideration in his State) which secured the peaceable recourse to a convention of the States. At a later day he said that, in the event of serious differences between the Federal Government and a State or States, "*which could neither be avoided nor compromised, a Convention of the States must be called to ascribe the doubtful power to that department which they may think best.*"

John Taylor, of Caroline, the strictest State rights politician Virginia ever reared, declared that:

"*The supremacy over the Constitution was deposited in three fourths of the States.*"

That provision he denominated as one—

"*For settling collisions between the State and Federal Government amicably, and for avoiding dangerous sectional conflicts.*"

In 1833, Mr. Calhoun said:

"There is provided a power even over the Constitution itself, *vested in three fourths of the States*, which Congress has the authority to invoke, and may terminate all controversies in reference to the subject, by granting or withholding the right in contest. Its authority is acknowledged by all, and to deny or resist it would be, on the part of the State, a violation of the constitutional compact, and a dissolution of the political association, as far as it is concerned. *This is the ultimate and highest power, and the basis on which the whole system rests.*"

He even declared it to be the duty of the Federal Government to—

"*Suppress physical force as an element of change.*"

And again, in 1843, when Secretary of State:

"Should the general Government and a State come into conflict, the power which called the general Government into existence, which gave it all its authority, and can enlarge, contract, or abolish its powers at its pleasure, may be invoked. The States themselves may be appealed to—*three fourths of which form a power whose decrees are the Constitution itself*, and whose voice can silence all discontent.

"*The utmost extent of the power is that a State, acting in its sovereign capacity as one of the parties to the constitutional compact, may compel the Government created by that compact to submit a question touching the infraction to the parties who created it.*"

Mr. Ritchie, the editor of the *Richmond Inquirer*, who for near half a century gave law to the State rights Democracy of Virginia, if not of the Union, wrote, in 1814, as follows:

"No man, no association of men, no State, or set of States, has a right to withdraw from the Union of its own accord. *The same power that knit us together can alone unknit.* The same formality that forged the links of the Union, is necessary to dissolve it. The majority of States

which form the Union, must consent to the withdrawal of any one branch of it. Until that consent has been obtained, any attempt to dissolve the Union, or obstruct the efficiency of its Constitutional laws, is *treason—treason to all intents and purposes.*"

This logic of these distinguished representatives of the State rights principle, leads directly and irresistibly to this result—it is a manifest corollary—that so long as the Constitution of the United States remains unchanged by the constitutional majority of three fourths of all the States, no one State has the right to secede; the Union constitutionally endures; and, constitutionally enduring, it is obligatory, in each and every one of its provisions, on every citizen of every State of the Union.

With this truth stamped upon my understanding so that I could not resist it, I have not been able, in conscience, by taking an oath of exclusive allegiance to Virginia, to renounce that higher allegiance I owe to the Government of the Union. If I am in error, my own State, and her own State rights teachers, indoctrinated me with the error.

And my conscience is eased yet the more when I bring to mind the fact, that nearly all the great minds of my State have set me the example of repudiating the doctrine, and denouncing it as treason. I know but one of the really great men of Virginia, that ever favored it, and that one was Littleton Waller Tazewell, a man, undoubtedly, of extraordinary abilities, but whose great powers, like those of Mr. Calhoun, were impaired by a metaphysical subtlety ill suited to the deduction of truth, and to successful dealing with the practical concerns of human government. Both wanted the practical common-sense and well-balanced judgment which made Henry Clay the greatest statesman of his day, if not of any day or generation.

Mr. Tazewell did maintain the theory of constitutional separate State secession. In a series of articles over the signature of "A Virginian," published in the *Norfolk Herald*, he made for it the ablest argument it ever challenged, or that ever will be made for it by mortal intellect. But he stands almost "solitary and alone" in his glory. Neither Washington, nor Patrick Henry, nor Jefferson, nor Madison, nor Chief-Justice Marshall, nor John Taylor, nor Spencer Roane, nor William Wirt, nor Philip Doddridge, nor Daniel Sheffey, nor Judge Robert B. Taylor, nor George Keith Taylor, nor George W. Summers, nor Judge John Scott, nor Judge Robert Stanard, nor Robert E. Scott, nor Alexander H. Stuart, concurred with him. These authorities will be regarded, I am sure, a full offset against the opinion of Mr. Tazewell, and on such authorities I am quite content to rest my defence for not following my State in her mad plunge into secession.

But there is one chapter in the political history of Virginia from which I must quote, because it contains, for us who could not abandon the Fed-

eral Union, a vindication which must tell upon all reasonable minds, and disarm our revilers.

In 1808, the Madison electors of Virginia met at a social dinner in Richmond. Judge Spencer Roane, then of the Court of Appeals, and the Nestor of the State rights party of his State, presided. The electors came from all parts of the State, and were men of eminent ability and unsuspected State rights republicanism. Some of those who participated were Whigs of the Revolution, fresh, comparatively, from its battle-fields, and its untainted halls of legislation. On this interesting occasion, a certain toast—not a volunteer, but a regular one—was drunk. What was it? It was nothing more nor less than this:

"The Union of the States: the majority must govern; it is treason to secede."

Now, according to these sentiments of the Madisonian era, am I a traitor to my State because I cannot follow her into disunion, and ought I to be asked to take to her an oath of especial and controlling allegiance?

From another chapter of Virginia history, I must quote to set right a most remarkable error bearing on our subject.

The next ablest argument for secession to Mr. Tazewell's, is one made some eighteen months since by Judge Allen, of the Court of Appeals of Virginia, which has done much, more than all others, perhaps, to diffuse through the body politic of his State the poison of secession.

But the whole force of his argument rests upon a fallacy, the exposure of which utterly annihilates his reasoning.

The fallacy is this: The Virginia Convention for ratifying the Federal Constitution adopted the following form of ratification:

"We, the delegates of the people of Virginia, etc., etc., do, in the name and in behalf of the people of Virginia, declare and make known, that the 'powers granted under the Constitution, *being derived from the people of the United States, may be resumed by them* whensoever the same shall be perverted to their injury or oppression.'"

The expression "the people of the United States," is construed by Judge Allen to mean the people of the States *separately*, whereas it is manifest that the people of the States *as a Union—as a Confederation—as a Government—as a nation—as the people of so many States as formed the Union, and could lawfully change it*, were meant. For the powers granted under the Constitution were not granted by a single, separate State, but by a given number of States. Not one State, nor two States, could grant the powers, and if any one State—to illustrate the absurdity of the theory—could resume the granted powers, any other one State could do the like, and so the Federal Government, though designed to "form a more perfect Union," and to "secure the blessings of liberty to ourselves and our posterity," would be the merest rope of sand.

Nobody doubts that the constitutional majority of three fourths of the States may change the form of the Government—may even let a particu-

lar State out of the Union; but that any one State may let itself out, and resume the powers originally granted, not by one State, but by a number of States, is altogether a different proposition, and one not to be tolerated on any sound theory of government, or sound principle of construction.

But, conceding Judge Allen's theory to be sound, it has no application to the present secession movement; for he does not show, nor has any man yet shown, that the powers granted by the people in the Federal Constitution have ever been "*perverted to their injury or oppression*."

If I travel beyond Virginia, I find abundant accordance with the opinions of her own distinguished statesmen.

In South-Carolina—the State that inaugurated the secession policy, and that, according to the confessions of her own chief public men, has been striving for more than thirty years to sever the Union—it was held by her Supreme Court that her citizens owe *primary* allegiance to the Government of the United States, and a *subordinate* one to their State. (Case of State *vs.* Hunt, 2 Hill's S. C. Reps. p. 1.)

In 1833, the State of Delaware, reprehending the mistaken action of South-Carolina in attempting a severance of the Union on account of the tariff policy, maintained these catholic propositions:

"*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Constitution of the United States is not a treaty or compact between sovereign States, but a form of government emanating from, and established by, the authority of the people of the United States of America.*

"*Resolved, That the Government of the United States, although one of limited powers, is supreme within its sphere, and that the people of the United States owe to it an allegiance that cannot be withdrawn, either by individuals or masses of individuals, without its consent.*

"*Resolved, That the Supreme Court of the United States is the only and proper tribunal for the settlement, in the last resort, of controversies in relation to the Constitution and the laws of Congress.*"

Mississippi, too, among the most rampant and infatuated of the secession States, in 1851, in a convention of her people, adopted the following resolution:

"*Resolved, That in the opinion of this convention, the asserted right of secession from the Union, on the part of a State or States, is utterly unsanctioned by the Federal Constitution, which was framed to establish, and not to destroy, the Union of the States.*"

Gen. Jackson said, in 1833:

"Their object is disunion; but be not deceived by names—disunion, by armed force, is treason."

Judge Iredell and Gov. Davie, of North-Carolina, two of her most distinguished citizens, and Charles Cotesworth Pinckney, of South-Carolina, bitterly disputed the right of secession.

And Hon. Howell Cobb, in 1851, used this language:

"When asked to concede the right of a State to secede at pleasure from the Union, with or without just cause, we are called upon to admit that the framers of the Constitution did that which was never done by any other people possessed of their good sense and intelligence—that is, to provide, in the very organization of the Government, for its dissolution. I have no hesitation in declaring that the convictions of my own judgment are well settled, that no such principle was contemplated in the adoption of our Constitution."

And to come, lastly, to that highest and most conclusive authority, to which all good citizens bow in unreluctant acquiescence, the Supreme Court of the United States has forever settled the unconstitutionality of secession.

In the case of Cohens *vs.* Virginia, Chief-Justice Marshall, in delivering the opinion of the court, ruled as follows:

"The people made the Constitution, and the people can unmake it. It is the creature of their will, and lives only by their will. But this supreme and irresistible power to make or unmake resides in the whole body of the people, and *not in any subdivision of them. The attempt of any of the parts to exercise it is usurpation, and ought to be repelled by those to whom the people have delegated their power of repelling it.*"

Here, on this broad, firm ground—the adjudication of the highest judicial tribunal of my country—I stand, and on it, so help me God, I mean to stand while I live. If I did not stand content on this rock of defiant safety, and from its proud summit laugh to scorn the impotent lashings of the angry waves beneath, I should be unworthy of the blessings of this great, free Government of ours; for the experience of all the world testifies that, after all, the safest reliance for human liberty, its most impregnable bulwark, is to be found in the judicial tribunals. Please tell my old friends who think me traitor for not going with my State, and who wish me to take an oath of allegiance to her, separately, and to the Southern Confederacy, collectively, that the Supreme Court of the United States, John Marshall being Chief-Justice, tells me that if I comply I shall do an unconstitutional, unlawful, wicked act, and that, therefore, I cannot and will not do it.

The truth is, our State has been so capricious in her political rulings, that her citizens may well halt before following her blindly. In 1798, she planted herself on the position that the Federal Government should not be resisted except in case of "deliberate, palpable, and dangerous infractions of the Constitution." Obeying this her ancient ruling, I cannot go with her into secession, for I know of no "deliberate, palpable, and dangerous infraction" of her constitutional rights. The Federal Government has never done her a wrong that I know of, of any kind. In 1849, she declared, by legislative resolves, that if Congress should abolish slavery in the District of Colum-

bia, or interfere with the slave-trade between the States, or with slavery within the States, or apply the Wilmot proviso to the common territories, she would "resist at all hazards and to the last extremity." But not one of these things has been done by Congress. And so, in 1851, she approved by a unanimous vote of her General Assembly that measure of peace and concord, the Compromise of 1850; and now, alas! without the commission of any fresh outrage by the Federal Government or the people of the North, save the election of the man of their choice to the Presidency, she allows herself to be dragged over the precipice of disunion!

What, in this conflict of her own positions, must I do? Must I be dragged along with her? No—I cannot: I must, as a citizen, judge for myself, and follow whither conscience and duty lead.

Will I, then, never go with my State, as I have been often asked by my disunion friends? Are there no circumstances under which I would have her secede? Will I be always a submissionist?

I answer: there *are* circumstances under which I would follow my State "at all hazards and to the last extremity." When she is right in her resistance—when she is grievously and insufferably wronged and oppressed—when she is so clearly in the right that I can feel conscious that the God of battles will be with her in her fight—then I will go with her and die for her, but not before.

A certain great man—one of the most distinguished of men—*clarum et venerabile nomen*—a man whom I loved and admired while living, and whose memory I fondly reverence—the first statesman of his day—among the wisest the world ever saw—the noblest, most unselfish, most disinterested of patriots—whose rank was with Madison, and Lowndes, and Canning, and Pitt, and Peel—who was one of the "bright particular" ornaments, not of his country only, but of the world: a countryman of ours answering faithfully this description, once used the following language:

"I have heard with pain and regret a confirmation of the remark I made, that the sentiment of disunion is becoming familiar. I hope it is confined to South-Carolina. I do not regard as my duty what the honorable Senator seems to regard as his. If Kentucky to-morrow unfurls the banner of resistance, unjustly, I will never fight under that banner. I owe a paramount allegiance to the whole Union—a subordinate one to my own State. *When my State is right—when she has cause for resistance—when tyranny and wrong, and oppression insufferable arise—I will share her fortunes. But if she summons me to the battle-field, or to support her in any cause that is unjust against the Union, never, never will I engage with her in such a cause.*"

The author of these admirable sentiments was the author of that other immortal one, "I had rather be right than be President"—Henry Clay.

Now, when any of my old-line, Henry Clay Whig friends at home—you were one—shall ask when it is that I will go with my State, let them be referred to these sentiments of Mr. Clay, and

from them receive my answer. Let them be told that, in my best judgment, the State is *not right* in taking the part she has in secession—"that tyranny, wrong, and oppression insufferable" have *not* yet arisen—that she has no more cause of complaint now than she had in 1851, when she virtually endorsed these opinions of the great Kentuckian by approving and accepting the compromise measures of 1850 as a "full and final settlement of all the agitating questions to which they related," and that, accordingly, a state of things exists which subordinates the allegiance I owe the State to that higher "paramount allegiance which I owe the whole Union."

But it is urged upon me, again, that if the secession of the Southern States finds no warrant in the Constitution, it *has* warrant in the law of Revolution.

This is a clear change of the issue. Not one of the seceding States rested its action on the right of Revolution. All appealed to the high pretension that to secede was matter of right—of *magna charta*—of Constitutional privilege—of reserved right, overcoming all the express provisions of the National Constitution. But change the issue to Revolution, and a yet flimsier pretext is substituted.

The right of Revolution is not an arbitrary thing. It is a principle; and a principle, too, of the utmost consequence in the great practical concerns of mankind. Men associated in a society may not at will throw off its trammels, otherwise the peace of the community would never be safe. Disorder, civil commotion, violence, bloodshed and war, would stand ever ready for the beckon of the vicious and the desperate. There would be no stability in the rights of property, or of any of the personal rights. There would be no repose for innocent and helpless women and children, and other non-combatants of society. Society, indeed, would be but a series of commotions and desolations. Revolution, then, being a principle, what is the principle? It is philosophically and beautifully illustrated in the celebrated lines of Shakspeare, "Rather endure those ills we have, than fly to others that we know not of," and it is this: that existing arrangements of society and government are not to be disturbed to the extent of force and war, unless on the ground of grievous wrong or intolerable oppression. When these arise, it is the great privilege of man, as it is his great instinct, to rise up in all his majesty and might, and resist even unto war, blood, and death.

This being the principle, it has no application to, and is no justification for, the dismemberment of the Union by the seceded States.

On the day of the Presidential election, in November, 1860, from which period the active movements towards secession date, the country was never in a more prosperous condition, or its people happier. The effects of the commercial revulsion of 1857 had almost disappeared under the recuperating agency of bountiful crops; and peace, plenty, and content reigned through the land. This state of prosperity and repose was disturbed for no adequate cause. In my judg-

ment, we have been precipitated into civil war, with all its revolting incidents of social and physical desolation, *without any cause at all*. I lament to say it, but it is true, that this whole secession movement is nothing more nor less than downright rebellion, and rebellion against the best and the most parental Government that ever a people had.

In Virginia, it is complained that great outrages have been committed on Southern rights. By whom? Certainly not by the Federal Government, of whose action alone is there any danger. If any outrages have been perpetrated, what are they? I know them not; no, not one. I frequently appealed to the leading secessionists of Virginia, while there, both in public and private, in the legislative halls, on the hustings, at the cross-streets and the cross-roads, to name to me one wrong which the Government they were so anxious to subvert, had ever done the South, and I was never answered by any specification. I heard, ever and anon, some indefinite grumbling about the Wilmot Proviso, and Personal Liberty laws, and interference with the rights of slaveholders; but I never met the first man who could point his finger to the first act of actual aggression by the Federal Government upon the rights of the South.

So far from the commission of any positive aggression, I must say, and do say, that the course of the Federal Government—of Congress, the only practical representative of that Government and the people—has been everything the South could ask. First, on the demand of the South, Congress enacted, not one, but two fugitive slave laws. The first did not suit, and a better one was asked for and obtained. The South assented, almost unanimously, to the Missouri Compromise; but, becoming dissatisfied with it, asked for the obliteration of the geographical line between slavery and freedom, and Congress hearkened to the demand, the peculiar Northern friends of the South, in Congress and out of it, sustaining the repeal of the Missouri Compromise. The South protested against the application of the Wilmot Proviso to the common territories, and Congress listened. No law applying the Wilmot Proviso has been enacted. On the contrary, several territorial laws, embracing the whole disposable territory of the United States, have been passed which contained no prohibition as to slavery. And now any citizen is free to go to any of the territories with his slaves, if he chooses, unmolested by any action of the Federal Government, and with all the protection open to him which the courts can give to his rights of property. The South complained of the Personal Liberty statutes of the North, for which the Federal Government is not responsible; and yet, what did Congress do in this regard? To quiet the apprehensions of the Southern people, and to preserve the national quiet, it did all it could do: *it passed by a vote of one hundred and fifty-one to fourteen, almost unanimous, a resolution, recommending to the Northern States the repeal of their Personal Liberty laws; and there can be no doubt, that if the South had not*

precipitated itself into secession, this patriotic and friendly recommendation of the people's representatives would have had its effect in the repeal of most, if not all, the offensive statutes. The South expressed its apprehension—for which there never was any just ground—that slavery in the States would be assailed, and said new guarantees were wanted, when Congress, by a vote almost unanimous, adopted the following resolutions:

"Resolved, That neither the Federal Government nor the people or governments of the non-slaveholding States have a purpose or a constitutional right to legislate upon, or interfere with, slavery in any of the States of the Union.

"Resolved, That those persons in the North who do not subscribe to the foregoing proposition are too insignificant in numbers and influence to excite the serious attention or alarm of any portion of the people of the Republic, and that the increase of their numbers and influence does not keep pace with the increase of the aggregate population of the Union."

It went still further: did all that any reasonable man in the South could have asked; by the necessary constitutional majority, it recommended to the States *the adoption of an amendment to the Constitution* (proposed, I think, by Mr. Seward) *which should forever forbid the interference by Congress with slavery in the States.* [This proposition was voted against by Mr. Toombs and Mr. Davis.] And when John Brown's invasion of Virginia was denounced as a great outrage, to prevent the repetition of the like raids, it was proposed in the Senate Compromise Committee, by Mr. Seward, to pass a law to punish all persons hereafter making such invasion, and though voted for by all the Northern members of the Committee, the proposition failed for want of the coöperation of the Southern members.

As to the absorbing matter of slavery, then, let us see how the case stands, or how it might have stood, had the seceding States been a little more patient. The proposed amendment to prohibit forever all interference with slavery, had been, early after the election of Mr. Lincoln, submitted by Congress to the States. The legislatures of three fourths of the States, or the people of three fourths of the States in convention, might have adopted it, and thus made it a part of the Constitution. Had all the slave States adopted it, there is no doubt a sufficient number of the free States would have coöperated to secure the constitutional majority of three fourths, and then what would have been the result? Why, that would have been accomplished for which the whole South had professed to be so anxious: *slavery in the States would have been perpetually protected; the agitation of the long-disturbing question would have ceased, except with a few demented fanatics; and the concord of former days would have been restored.*

Slavery in the States being thus rendered impregnable, there would have been nothing left of this subject to disturb the national harmony but the territorial question, and that is of no practical

moment, for there is not a foot of the present Territories that is adapted to slave labor, or to which slave labor could profitably go. In New-Mexico, for example, five times as large as New-York, there are but twenty-six slaves, (who are the body-servants of Government and army officers,) though slavery is there legal, and protected by a slave code. Of what practical consequence to the South, then, is the right of carrying slaves to Territories from which the God of nature, by his laws of soil and climate, and by the instincts he has planted in man, has forever excluded them? And why should the North care to prohibit slavery in Territories into which, for the inhibitions named, it can never be introduced?

In fact, all that the South can properly demand in regard to slavery in the Territories, as Judge Campbell, late of the Supreme Court, so aptly said, is, that the *status quo* be observed. I quote his wise and patriotic words, addressed to the people of Alabama:

"The great subject of disturbance—that of slavery in the Territories—rests upon a satisfactory foundation, and we have nothing to ask except that the *status quo* be respected."

Well, the *status quo* HAS been respected, I think, scrupulously respected. Notwithstanding the repeal of the Missouri Compromise, which so much and so justly offended Northern sensibilities, and in defiance of the outside pressure which the repeal of that measure of plighted faith and honor generated, Congress has not applied the Wilmot Proviso to any of the Territories. It has wisely left the matter to the laws of God—of soil, production, climate, and profit—and to the courts, to which the whole subject so properly belongs.

Now, with the promise of perpetual guarantees for slavery in the States, and the observance of the *status quo* as to the Territories, what reason was there that Virginia and her deluded sisters should have seceded from our blessed Union?

I thought, as I still think, that all the slave States should have submitted the amendment of the Constitution forbidding future interference with slavery in the States, to their Legislatures or people, and obtained in that way the security desired for their peculiar institution. Then, instead of the civil war whose demon howl now rings through the land, and whose desolation is carried to the hearth and fireside, and to every relation and interest of life, we should have continued to realize that peace and happiness, which, under our glorious institutions, have blessed us above all the people of the earth. Oh! what a chance did we lose of saving our country and ourselves! How mad was it, with so cheering a prospect for the happy solution of all our difficulties, to plunge into the gulf of ruin forever!

And why, let me ask, did we *not* make the effort for peace and salvation? Alas! I fear there was a foregone conclusion to destroy the Union, without regard to wrongs, or the remedies for them! What does the refusal of the South to accept Mr. Seward's amendment indicate, but

that no compromise was desired, and that disunion was resolved on, under any and all circumstances? Why was not the North met half-way, in proposals for peace and guarantees?

And, at the time of Mr. Lincoln's election, what semblance of danger was there to the South? There was a clear opposition majority of twenty-one in the House of Representatives, and a conclusive one in the Senate. How, under such circumstances, could the South have been harmed? Could slavery have been abolished in the District of Columbia? Could it have been prohibited in the Territories? Could it have been touched in the States? Was it possible that Mr. Lincoln could have harmed the South a hair's breadth, even had he the disposition?

Besides having both branches of Congress on its side, had not the South the Supreme Court? Had not the decisions of that high tribunal leaned to the side of slavery and slaveholders? And had not Congress, in the several territorial laws, referred all rights of property—slave and other—to that august and trustworthy tribunal?

Then, the fact is simply this: that with an entire absence of all aggressive legislation, the South had the Legislature and Judiciary to itself. Only the Executive was against it, or was supposed to be against it, and that branch was impotent for harm, because an inimical measure could never reach it. The South, indeed, had everything its own way, was as impregnable as a well-equipped army behind a strong entrenchment would be from the outside assaults of a few ragged regiments, armed with pop-guns; and yet the South, with horse-leech avidity, cried: "Give us more, or we will dash the Union into fragments!"

Surely the history of mankind affords no parallel to this remarkable infatuation! It stands alone. There has never been before so impious a defiance of the goodness of the Creator; such a sporting with the beneficence of Providence; so mad a case of self-ruin and self-destruction.

My own deep belief is, that those who busied themselves in this great wickedness, will never be able to account to the Christian world for their participation in it. How I thank God that I have had no part nor lot in the matter! And as each sand of the unhappy conflict runs out, the more thankful am I, that I had the firmness to repudiate and reject all the projects of the secessionists!

The proposition so often submitted to me that Mr. Lincoln's election is adequate cause for a dissolution of the Union, I look upon with absolute horror. The doctrine that the election by a legal majority of the people of the President of their choice, is a sufficient reason for the dissolution of the Union, is so monstrous, so antagonistical to all the theory and maxims of popular and Republican Government, so replete with radicalism and lawlessness, so perilous to all the vested interests of society, so fraught with moral and social chaos and ruin, so barbarous, that I dismiss it, once and forever, with my utter and eternal abhorrence. I will not even quote against it the authority of the great men of the South, of all

parties, who have repudiated the detestable heresy. Its own blackness is its own best exponent.

And the folly of secession—of resorting to the cartridge-box instead of the ballot-box, for redress—is more apparent still, when we look at the Presidential vote of 1860.

The whole opposition vote was two million eight hundred and four thousand, the Republican vote one million eight hundred and fifty-seven thousand: majority against the Republicans, nearly a million. Now, with this million conservative pro-Southern majority, would it not have been far wiser (as I argued on another occasion) to have made another trial of strength before throwing aside the best Government the world ever saw? Is not a quiet victory at the polls preferable to a revolution in which the sword must decide the issue? Should we have precipitated disunion by four years for a danger which was that length of time distant, at least, and which, by the end of that period, might have vanished altogether, by a change in the political sentiment of the country? Should we, for an imaginary peril, have taken disunion four whole years by the forelock? Was the Union of so little value that we should absolutely have made haste to destroy it—to kill it off before its time had come?

To the idea that the election of Mr. Lincoln evinced a sectionalism and hostility at the North, which would endanger the institution of slavery, it is sufficient to reply that the facts show it to be utterly unsound.

In a Union Address to my late constituents, published in January, 1861, I used the following language:

"Perhaps no Presidential vote was ever cast that was more complex in its character than that which was cast in November last. There were scores upon scores of thousands, even of the Democracy, that were bitter in their hostility to Mr. Buchanan's Administration. Large numbers regarded it as corrupt, for corruption had been charged from high Democratic sources. Hon. Roger A. Pryor was among the foremost in this denunciation. The Lecompton policy had lost to the Administration, and driven over to the Republican ranks, an army of its former friends. The financial policy of the Government, based on constant loans and issues of Treasury notes, instead of duties on imports under a properly regulated tariff, turned the attention of a large number of people of the North to a change of Administration. Pennsylvania, always conservative until, desperate for the proper governmental appreciation of her material interests, she was compelled to take sides with the candidate most likely to succeed, (who was undoubtedly Mr. Lincoln,) cast her vote, mainly, on the tariff question. Now, all these classes of voters, numbering, it must be, several hundreds of thousands, desired a change of administration, and very naturally looked to the most available nominee, and regarding Mr. Lincoln, in consequence of the hopeless divisions of the Democracy, as that most

available nominee, cast their votes for him, without meaning to endorse his peculiar views on the subject of slavery. Disunion, then, on the idea of an irreconcilable Northern enmity to Southern institutions, rests upon an assumption unsound, unsubstantial, and suicidal."

And thus is annihilated another favorite pretext of the disunionists.

As for the Personal Liberty laws, no one ever lost a slave by them. Mostly, they are more anti-kidnapping statutes, and, whether constitutional or not, they should be to the South matter of indifference. Nor have all the free States passed such laws. Neither New-York, nor Ohio, nor Minnesota, nor Iowa, nor Illinois, nor Indiana, nor New-Jersey, has one. In Indiana and Illinois, slaves are arrested without process and returned to their masters. The wives of Kentuckians go into those States on social visits, with their colored domestics, unattended by their husbands. These facts I have heretofore publicly stated, on the authority of letters addressed to myself by Hon. Robert Mallory and W. R. Kinney, Esq., of Kentucky, who reside on or near the Ohio River. Illinois has a statute which allows slaves to stay with their masters sixty days within her territory; and New-Jersey not only allows the transit of slaves with their masters, but has a fugitive slave law of her own, to aid in the execution of the Federal law of the same kind. But should we, for these practically harmless personal liberty statutes, destroy our glorious Union? I would not, if every Northern statute-book were half filled with them. No; I will stand yet by the Union of our fathers, trusting that the "sober second thought," and the prevalence of that feeling which, "in the times that tried men's souls," put Massachusetts "shoulder to shoulder" with Virginia, will strike from the statute-books all these irritating enactments, believing, as well as hoping, that the patriotic recommendation of the representatives of the people in the House of Commons of the nation, already referred to, will lead to that "consummation so devoutly to be wished." Some of them, indeed, have already been repealed.

But are we of the South ourselves without reproach in the matter of the enactment of offensive laws? I regret to say, and I say it with a sense of shame, that the law of South-Carolina in regard to colored seamen—the State that stands in the front rank, and that is the guiltiest of the guilty in this enormous wickedness of secession—is just as offensive, as violative of the great principles of civil liberty, as repugnant to the spirit and the letter of our Constitution, as the worst Personal Liberty law of the Northern States. The constitutionality of this law South-Carolina would not allow even to be considered in her courts, though Massachusetts deputed thither one of her most distinguished jurists [Judge Hoar] to test its validity.

For one, I act in this matter on the law of offset. Both sections have done wrong, and I let the misdoing of the one stand against the misdo-

ing of the other, and let the Union rise up in all its lustrous glory between both, to rebuke the sectional spirit that would stand between it, and the accomplishment of the grand destiny of popular institutions in America.

With regard to the fugitive-slave law—that fruitful source of agitation both North and South; and I might add of misapprehension—it is enough to say that it has been executed with all reasonable fidelity and success. The idea generally prevailing in the South that the law was never executed, and fugitive slaves never returned, is entirely erroneous. Many are quietly surrendered whose cases are never heard of; only those cases reach the public in which there is some tumult, or in those rare instances in which wicked people resist the execution of the law, and which, therefore, make a noise in the newspapers, and furnish material for declamation on the stump, and in the bar-rooms. These latter instances are the exceptions, not the general rule. But for the tediousness of the detail, I could furnish almost a volume of examples of the successful execution of the law. The grand-jury of the northern district of Ohio indicted seven persons for resisting the marshal, and I believe they were all found guilty, and punished with fine and imprisonment. A clergyman was convicted in Ohio of the same offence, and sentenced to an imprisonment of six months, and a fine of \$1500. There are several persons now in jail at Chicago who were convicted in an Illinois court by an Illinois jury for assisting in the rescue of a fugitive slave, and who were fined \$1500 each, for the non-payment of which they are now suffering the pains of a dreary imprisonment. Less than a year ago I remember that several slaves were arrested in Cincinnati, and quietly restored to their masters; and a journal of that city declared at the time, that “during the preceding three years not a colored person arrested on a warrant of a United States Commissioner, had been set free or escaped.” Judge Douglas declared in the Senate that Judge McLean had always executed the law with scrupulous fidelity. The Supreme Court of Massachusetts, consisting of five Republican judges, unanimously pronounced the fugitive-slave law constitutional, and “binding on the people of Massachusetts.” Since the election of Mr. Lincoln, several fugitives were arrested in Chicago, examined before a United States Commissioner at Springfield, and remanded to their owners at St. Louis; and since this arrest and rendition, it is well known that large numbers of fugitive slaves, finding that the law is to be enforced under the present as under past administrations, have been flocking to Canada for an asylum; and even since the secession of the Southern States, fugitives have been peaceably arrested in Ohio, Indiana, and Illinois, and delivered to their owners.

I deal with this subject practically, and on this point I quote again from the address already referred to:

“The question, then, comes up, (which I have well weighed and considered,) is there enough of grievance and of wrong in these personal liberty

laws to induce disruption? Ought we, can we, for these dead statutes, and a few exceptional cases of escapes of fugitive slaves, forego the priceless, incalculable benefits of a Union which was the handiwork of Washington, and Franklin, and Madison, and Gerry, and Robert Morris, and Gouverneur Morris, and Laurens, and Pinckney, and Hamilton, and which has made the people of the United States the freest, the happiest, and the greatest nation on the globe? If we do, the madness and the folly of the deed will be without a parallel in the annals of human weakness and folly.

“And another great practical inquiry for the Southern slaveholder, is, *will secession remedy or alleviate this evil of the escape of his slaves?* No: it will aggravate the grievance a thousand fold. The Union dissolved, and with its dissolution the fugitive-slave law gone; the obligation for the surrender of fugitive slaves cancelled; with more than a million and a half of friends turned into foes; with the fierce animosities and implacable enmities which have ever attended the disruption of once friendly and confederated States; with none, either in law or friendship, to intercept the fugitive in his flight to his great asylum in Canada; with Canada brought down to the very borderline of the Border slave States, so that the underground railroad will no longer be needed, and slaves have but to cross a boundary to be free: I say, in this state of things, under the mistaken policy of secession, we shall lose one hundred, perhaps one thousand slaves where we now lose one; our slave property will be worthless; and the Border slave States, however reluctantly, will be driven, ‘dragged’ to general emancipation, or to a ruinous sacrifice, perhaps utter loss, of their slave property. What will a slave be worth in Virginia, or Maryland, or Kentucky, or Missouri, when, to obtain his freedom, he has but to cross a river or a line?

“Then if we value our slave property, and would hinder the escape of our slaves into the free States, we had better adhere to the Union. In that Union, and there only, lies the safety of the Southern slaveholder.”

Oh! had we not better have lost twice or thrice as many of our slaves as we usually have, than to have given up the peace, and quiet, and domestic happiness, and material comfort which we all enjoyed under the Union of our fathers? Is the loss of a few slaves to the South to be put in computation with that loss of social happiness, and sacrifice of property and material prosperity; with the desolated hearths and ruined homes; with the untold agony of heart and the millions of crushed hopes, and the countless sufferings of the innocent and helpless; with the distrust, hate, and alienation, that have followed in the track of this great delusion of secession? Before God and man I say it, I would have preferred to have had the loss of fugitive slaves quadrupled, yea, quintupled, rather than to have had taken from me the inestimable blessings of the Union.

And, after all, has not the loss by the escape of our slaves been greatly overrated? Mr. Everett showed in his address at the Academy of Music

in New-York, and from the census returns, that, in 1850, the number of fugitive slaves from all the slave States was only one thirtieth of one per cent, and that in 1860 it was only one fiftieth of one per cent—a loss, too insignificant to be thought of, in comparison with the priceless blessings of the Union! The loss to the drovers of cattle in Virginia, in every drive, is generally about ten per cent, while to owners of slaves, by escapes, it is only one fiftieth of one per cent, and I do not doubt that the annual loss to the drovers of the State in getting their cattle to market, is of larger pecuniary amount than of all the slaveholders of the State by the escape of fugitive slaves.

At all events, it is an unfortunate period to dissolve the Union on account of the loss of fugitive slaves, for the ratio of loss is regularly diminishing under the more efficient fugitive-slave law of 1850, and an improved public sentiment, and, doubtless, it would have continued to diminish. By the census of 1860, it appears that in the Border slave States one slave escaped to every two thousand five hundred and twenty-seven, and in 1860, one to every three thousand two hundred and seventy-six; or, by Mr. Everett's figures, one thirtieth of one per cent, in 1850, and one fiftieth of one per cent in 1860—a result which demonstrates that the people of the South were gradually, but surely, acquiring additional security for their peculiar property.

A few most remarkable results exhibited by the census returns, and I have done with this branch of the subject. I find that in 1860, Texas lost sixteen slaves—one in every eleven thousand two hundred and seventy-four; Alabama, thirty-six—one in every twelve thousand and eighty-seven; Florida, eleven—one in every five thousand six hundred and fourteen; Georgia, twenty-three—one in every twenty thousand and ninety-six; Louisiana, forty-six—one in every seven thousand two hundred and twenty-eight; and South-Carolina, twenty-three—one in every seventeen thousand five hundred and one;—while the Border States lost as follows: Virginia, one in every four thousand one hundred and ninety-five; Missouri, one in every one thousand one hundred and sixty-one; Kentucky, one in every one thousand eight hundred and ninety-five; and Maryland, one in every seven hundred and fifty-eight! These statistics show that, so far as fugitive slaves and fugitive-slave laws are concerned, the Cotton States have far too insignificant an interest to excuse them for trifling, as they have done, with the Union, and the interests of the Border States. Think of it—Georgia, losing only one slave in every twenty thousand and ninety-six, dragging Virginia out of the Union, who loses one in every four thousand one hundred and ninety-five; and South-Carolina, losing one in every seventeen thousand five hundred and one, dragging out Maryland, who loses one in every seven hundred and fifty-eight, and Kentucky, who loses one in every one thousand eight hundred and ninety-five! Virginians lost their manhood when they

submitted to be thus dragged. I cannot be one of the dragged.

And how mournfully do these statistics illustrate, to slaveholders, the consequences of secession!

Florida loses, in a year, eleven slaves; value, at \$600 each, \$6600. Lest she incur a loss, by escaping slaves, of \$6600 a year, she gives up a Government which had expended one hundred millions in her behalf, and encounters a debt greater than the value of all her slaves together!

Texas loses sixteen slaves; value, \$9600. For this insignificant loss, she sacrifices the priceless benefits of a Union to which she owes her very existence as a State, and under whose benign auspices she has advanced, with unexampled pace, to prosperity and consequence!

South-Carolina and Georgia lose each twenty-three slaves per year; value to each, \$13,600. For this paltry sum—not the worth of a respectable mansion-house in Charleston or Savannah—each loses herself from a Government under which her peculiar industry prospered to the amount, annually, of hundreds of millions of dollars, and against which neither can truly charge a single act of unkindness!

But it is with our own State I have chiefly to do. What has secession done for Virginia, in reference to her property in slaves?

In 1860, she lost one hundred and seventeen slaves. To make the argument altogether favorable to secession, I put the aggregate value down at \$100,000. Suppose that to be her annual loss under the Union, what has she gained by secession? Her share of the Confederate debt cannot, up to this date, be less than \$60,000,000. On her own State account her expenditure cannot be short of \$40,000,000 more. If the war continues a year longer (which is next to certain) her entire debt, on account of it, must reach at least \$150,000,000.

So that, to save a loss, by fugitive slaves, of \$100,000 per annum, she incurs a debt of \$150,000,000, the annual interest on which, at the Virginia rate of seven per cent, is \$10,500,000.

That is to say, the people of Virginia, to avoid a loss or tax of \$100,000 a year, are made to jump into one of \$10,500,000 a year, an increase from \$100,000 under the Union, to \$10,500,000 under secession, and a sum which would pay for the annual loss, by fugitive slaves, for one hundred and five years; or which, in the form of yearly taxation, would be a blasting incubus upon the whole material prosperity of the State for generations to come, and, at the end of the war, would induce an utter depopulation of her domain, as the only escape from an unendurable taxation; or, regarding this war debt as so much principal, it would pay the annual loss, by fugitive slaves, for fifteen hundred years to come!

Taking an illustration nearer home, the little county of Elizabeth City—the smallest in the State—has lost, since the opening of the rebellion, at least one thousand slaves, worth, by the usual average, five hundred thousand dollars. Sc

that, in the effort of her misguided people to get greater security for slave property, they have lost more in six months than the whole State has in five, perhaps ten years past. I doubt whether this county has lost a thousand dollars' worth of fugitive slaves during the last twenty-five years of its existence under the Union, while in two hundred days of secession's reign, it has lost half a million's amount. In this, the county of my residence, there were rich farmers who, before secession's inauguration, owned large numbers of slaves, but who now have not one left to black their boots, or saddle a horse for them. Let these men, the very foremost to denounce me for adhering to the Union, tell me now which works better for their slave property, the blessed Union of our wise and good fathers, or that miserable delusion and humbug, of modern secession and a Southern Confederacy.

Yet another home illustration. It may be safely computed that the border counties, and those contiguous to the lines of the Federal armies, have lost, by escapes, at least twenty-five thousand slaves since the rebellion began. The value of these, at five hundred dollars each, is twelve million five hundred thousand dollars. So that the State has lost, in the first six months of secession, more slave property than she could have lost in one hundred and twenty-five years of government under the Union, had it existed so long.

Again: Virginia has, in round numbers, half a million of slaves. Before secession came along, slaves were of great value. A likely field-hand commanded, readily, from one thousand and five hundred to two thousand dollars. Good-looking children of seven or eight years age, were worth almost as much as adults. Even old men and women brought large prices. It is safe to put the average value at seven hundred dollars per head, which gives a total value of three hundred and fifty million dollars. And it is certainly safe to estimate the depreciation at one half each. So that to escape the small annual loss of one hundred thousand dollars, our State rushes, by the path of secession, into an almost instant loss of one hundred and seventy-five millions!

Or, to illustrate for the whole Southern Confederacy, take the whole number of fugitive slaves in all the seceded States together. That number, according to the census of 1860, was only four hundred and fifty-eight; value, at rate above, three hundred and twenty thousand six hundred dollars. The Confederate States' debt, contracted by secession, cannot be less than five hundred millions of dollars. Then the seceded States, in order to shun an annual loss of three hundred and twenty thousand six hundred dollars, find themselves involved, in a twelve month, in a consuming debt of five hundred millions—a sum equal to one third the value of all the slaves in all the seceded States together.

Let the account be stated:

Loss of the seceded States under a year of the Union, four hundred and fifty-eight slaves; cash value, three hundred and twenty thousand and six hundred dollars:

Public debt accruing by reason of secession, and in a single year, \$500,000,000:

From the secession debt of \$500,000,000 take the Union loss of \$320,600, and there is a balance in favor of the Union of \$499,680,000! This latter sum would have been the saving to the seceded States, had they remained in the Union, or what is the same thing, the amount they have lost by going out of the Union.

One more, and the last illustration on this head; and it is one that must stamp absurdity and madness on the measure of secession forever.

By the census returns of 1860, it appears that the whole fifteen slave States lost, in that year, only 803 fugitive slaves. So effectual was the fugitive-slave law of 1850, and so kind the spirit of the controlling masses at the North, that in all the slaveholding States, only 803 slaves were fugitives in the period of a year. What was this loss, divided among fifteen States? At \$500 each, it was only \$401,500; at \$700 each, it was only \$562,500; at \$1000 each, it was only \$803,000. Now, I ask, can any sane, practical common-sense man, for either of these sums, give in exchange the priceless and countless blessings and glories of a Union which sent protection, security, peace, quiet, plenty, gladness, and joy, to the hearths and fire-sides of every American citizen, North and South, East and West, wherever born or wherever living? Compared with this protection, and security, and peace, and quiet, and plenty, and gladness, and joy, how inexpressibly paltry are the eight hundred and three thousand one hundred dollars of loss by runaway slaves! For such a Union—for so vast and matchless a good—who would begrudge so small a premium, especially when the price is not extorted from us by wrongful authority, or for intentional oppression, but is the inseparable, uncontrollable result of the peculiar characteristics and condition and relations of the negro race?

And how much have we not exaggerated this whole matter of our loss of slave property! Only four hundred and fifty-eight slaves lost in a year by the eleven seceded, and eight hundred and three by the whole fifteen of the slaveholding States! Many people in the South doubtless suppose that many thousands annually escape, and put down the Southern loss at many millions every year, and this mis-information, I doubt not—indeed, I know it—has tended greatly to aggravate Southern sensibility and excitement about slaves and slavery. But the census of '60 discloses the fact that, after all the angry dissensions, and sectional discord, and revolutionary commotion, on account of the slavery question, the eleven seceded States lost, in twelve months, only four hundred and fifty-eight fugitive slaves, worth a little more than a quarter of a million of dollars, while all the slaveholding States together lost only eight hundred and three, worth but about half a million!

If the Southern mind had been properly informed on the statistics of the subject, I cannot believe that the fatal step of secession would ever have been ventured. But alas! political agitation,

ambition, selfishness, and passion, have held before the people a thick veil, which has hid from their vision the truths that so deeply concern them!

Contemplate the subject, then, in what aspect you will, secession has been blast and ruin to the slavery interests of Virginia, and of the entire South.

I do not mean to say that in reference to existing disturbances, the people of the North are wholly faultless. The constant slavery agitation at the North, I concede, is properly offensive to the South. It is wrong, and I should be glad to see our Northern brethren desisting from that which can have no effect but to irritate, and to weaken the cords that bind us to a common Government. But we of the South are not altogether without sin in the premises, for we ourselves have indulged in the largest liberty in the discussion of the slavery question, I have ever thought, to the detriment of the slaveholding interest, though Senator Hammond and Mr. Stephens, and some other prominent Southern men assert, that "slavery has been greatly strengthened and fortified by agitation," and that "happy results for the South have come of the Abolition discussion." If the latter opinion be sound, the South had no cause of complaint, and certainly no need of upsetting the Union because of the anti-slavery discussion. Besides, this anti-slavery discussion has been going on for long years past, and if such discussion furnished just cause for a dissolution of the Union, it should have been dissolved long ago. But we did not, on this account, proceed to disruption under past Administrations. Why should we do it under Mr. Lincoln's? Is the anti-slavery agitation any worse under Mr. Lincoln's Administration than it was under Mr. Fillmore's, or Mr. Polk's, or Mr. Pierce's, or Mr. Buchanan's?

Verily, I must have far stronger reasons than this for surrendering the thousand blessings of the American Union. Were I to advocate its destruction on so unsubstantial a pretext—for it does not rise to the dignity of a reason—I should commit a crime against humanity I could never expiate, and for which I should deserve never to be forgiven by the Christian world.

No: *I will not*, because a few mad fanatics desecrate the pulpit and the hustings by Abolition ravings, give up the unrivalled blessings of the best government on earth. These deluded and wicked men do not represent the mass of the Northern people. When they shall, or when the Federal Government shall practically assail the institution of slavery, it will be quite time enough to think of disunion, as a remedy against anti-slavery operations.

You will see, from the views I have expressed to you, that all along I have taken a practical view of all the questions connected with this deplorable conflict. I have sought to take counsel of judgment rather than of passion, and the farther the conflict progresses, alas! how painfully am I reminded that I have chosen the wiser part! I have had constantly in my mind, and

there to the end they will be kept and cherished, those remarkable sentiments of wisdom expressed by Judge Campbell to his fellow-citizens of Alabama, which should be written in letters of living light over the lintel of every American door: "IN MY OPINION, SEPARATE STATE ACTION WILL RESULT IN THE DISCREDIT AND DEFEAT OF EVERY MEASURE FOR REPARATION OR SECURITY."

There are yet other reasons why I could not follow our State into secession. Conceding that the citizen is bound by the action of his State, I am released from the obligation now, because I am not satisfied that the act of secession in Virginia is truly the act of her people. It was not the choice of her people. I lament to say it, but the proofs are overwhelming, that outside pressure, intimidation, coercion, misrepresentation, and sensation appeals, constantly made by the press and the politicians to the passions and prejudices of the multitude, forbade all freedom of thought and of action. Let us see.

The press and the politicians, with untiring effort, impressed it upon the masses that the Lincoln Government would not leave them the semblance of a right. Hence, it was the common popular expression, put into the mouths of the uninformed by designing disunionists—"we can't submit to a Black Republican Administration." And those who put this clap-trap argument upon the lips of the deceived never took the care to tell the victims of their deception that there was a decided majority in both houses of Congress *against* the Black Republican Administration, and that that Administration was, therefore, powerless to harm the South.

The people were told, next, that they would be far better off with an independent Southern republic than with the old Union, and that their taxes would be less, because then the South would no longer pay tribute to the North, and because there would be then no tariffs, but free trade, and direct trade, and cheap goods—appeals of all the most likely to delude the common mind.

Thirdly, it was represented, with ceaseless repetition, that if Virginia seceded, there would be no war—that her influence and power were so great that the moment *she* seceded, all the Border States would follow, and that then the Federal Government would "back down," and recognise the Southern Confederacy.

It was next strenuously urged that the Northern people would not fight. Senator Hammond said in a public speech that the moment it should be announced that eight Cotton States had seceded, "the North would grow pale and tremble, and revolution would be there, not here." And it was said, further, that if it came to a fight, one Southern man was equal to five Northern. Then came the assurance that if the war began, foreign intervention would soon end it. France and England, it was hourly said, ever willing to weaken American power, would soon interfere, and, by recognising the Southern Confederacy, secure its independence and give it peace.

And further to inveigle the people into secession, it was earnestly insisted that the Democracy

of the North were the natural allies, and had always been the friends, of the South, and that one half of them would be on the side of the South, and that the North being thus divided and the South united, the latter would have its independence established without incurring any of the consequences of war.

Later in the struggle the secessionists mended their hold, and advanced to more passionate appeals. The people were told that the war was begun by Mr. Lincoln, and to subjugate the South.

Then, again, it was urged that the war, thus begun by Mr. Lincoln, and against the South, had for one of its objects the abolition of slavery.

And lastly, with a vehemence amounting to frenzy, the alarm was rung night and day, that Mr. Lincoln's proclamation of April fifteenth, 1861, was an out and out actual declaration of war against the Southern people, and an invasion of their homes.

These artful and passionate appeals so fired the popular mind, and so stimulated coercion and intimidation, that a popular convention was called to assemble at Richmond, (I think on the fifteenth of April,) for the purpose, it was generally supposed, and as I solemnly believe, to drive the constitutional convention (then sitting) into the adoption of a secession ordinance.

The call of Mr. Lincoln for the militia to execute the laws, which, as I have just said, was proclaimed and denounced, with demoniac excitement, as an actual and deliberate declaration of war against the South, forestalled the purposed action of this popular convention, having produced the result designed, the passage of a secession ordinance, which took place on the seventeenth of April.

From the passage of the secession ordinance to the twenty-third of May, when the final vote of the people was taken on it, the sensation efforts waxed fiercer and more wrathful, misrepresentation was redoubled and coercion employed in every form, and when the hour of voting came, it is useless to say it was not a free vote. Had it been an untrammelled vote—a vote uninfluenced by fear or misrepresentation—I believe most solemnly that, this hour, the people of Virginia, instead of suffering all the horrors of a fratricidal war, would be quietly enjoying the manifold blessings of the Union.

I hold, with all deference, that a vote of my State, cast under such circumstances, is not binding on me as one of her citizens. The misrepresentation alone, to say nothing of intimidation and other forms of coercion, rendered the vote a fraud upon the elective franchise, and fraud vitiates all transactions.

I claimed the right, as a citizen, to judge the truth or falsehood of the various allegations on which the people of my State were asked to do the grave act of pulling down the noble fabric of union which their fathers had reared. I did judge, and my judgment was and is, that the allegations had no foundation in truth and fact.

I did not believe in the wrongs to the South

which had been charged upon the North. I saw no practical aggression by the Federal Government upon the rights of the South. I asked, "Where are they?" and echo answered, "Where are they?" I did not believe that secession could avert war. I did not believe in peaceable secession. With the great Webster, I did not believe in the "breaking up of the fountains of the great deep without ruffling the surface." I did not believe in or dread foreign intervention. I believed the North *would* fight. I did not believe that the Democracy of the North and West would fight for the South against the old flag. I knew, full well, that whenever traitorous hands should dare haul down the nation's star-gemmed banner, "the great Bell Roland" would toll, and millions would rush from city, country, valley, and mountain, to fling back its glory-lit folds to the breeze. I did not believe, nor do I now, that the Federal Government began the war, nor can any man, who has the least regard for truth, so say. The war was begun when South-Carolina, by secession, broke equally her own faith and the laws of the United States.

The war advanced as each other State successively seceded. The war was palpable and unmistakable, and aggressive and wicked, when the forts, ships, arms, mints, and money of the United States were forcibly seized by the seceding States. If the forcible seizure of forts and ships, and arms and mints, does not constitute war, in God's name what does? Did not war flame when the confederate States opened their batteries upon Fort Sumter, confessedly the property of the United States? What is war but a hostile assault by one nation upon another? And who, in this conflict, made the first assault?

Nor do I believe that Mr. Lincoln's proclamation was war upon Virginia, or the South. And as this proclamation was most successfully wielded for inflaming the popular mind, and did more than all else, perhaps, to induce the secession of Virginia, I note the point especially.

The proclamation was war upon nobody. It was *defence against war*. Nay, more, it was duty. The President of the United States would have been false to duty and to honor, if, after the bombardment of Fort Sumter, he had failed to call out the militia. I think he should have done so the first moment after his inauguration; for he found, on his accession, several States by force resisting the laws of the United States, in actual possession of United States forts, and, indeed, in actual, undoubtful rebellion. Mr. Buchanan had virtually abdicated the Government, and surrendered to the open violators of the laws and the avowed enemies of the Government, and Mr. Lincoln would have been entirely right if he had made the calling out of the militia the very first act of his administration. In not doing so, he exhibited especial moderation, prompted, no doubt, by a patriotic desire for peaceful adjustment. In any event, he did only what Washington had done before him. Washington called out the militia to put down the whisky insurrection in Pennsylvania, under the Act of 1793; Mr.

Lincoln called it out to suppress a far greater and more wicked rebellion, under the Act of 1795, which was made more stringent than the Act of 1792, and of indefinite duration, whereas the Act of 1792 was limited to less than three years. These modifications were doubtless suggested by the Pennsylvania rebellion. At all events, there was the law — declared by the Supreme Court to be constitutional — in full force; there it was, staring Mr. Lincoln in the face, and commanding him, "whenever the laws of the United States should be opposed, or the execution thereof be obstructed in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals, to call forth the militia to suppress the combinations, and see the laws duly executed." Had he, with this statute before him, failed to call the militia into service, he would not only have been unfaithful to his trust, but the sin of perjury would have rested upon him. Nor could the pregnant facts have been overlooked or disregarded that, on the sixth of March — seven weeks anterior to the date of the Proclamation — the Congress of the Confederate States had made provision, by law, for raising an army of one hundred thousand men, and that the Secretary of War of the confederate States had boasted, on the twelfth of May — the day Fort Sumter was bombarded — "that the flag of the confederate States of America would float over the dome of the Capitol at Washington before the first of July, and eventually over Faneuil Hall itself." For what object was the raising of this large army provided for but to resist the execution of the Federal laws within the seceded States?

The proclamation, then, of April the fifteenth, was no war upon Virginia.

No: Virginia herself commenced a war upon the United States. When the President called out the militia, he had the undoubted constitutional power to order their march at all times through the territory of Virginia, and of every other State. The Federal Government has, exclusively, the war-making power for the whole Union, and the power to declare war and raise armies includes the power, necessarily, to march the Federal troops all over the land. Had the militia then been marched into or through Virginia, it would have been no invasion of the "sacred soil." It would have been clear right, not a warlike act.

But which committed the first act of aggression, Virginia or the United States? The facts clearly put the responsibility on the former. As far back as the thirtieth of March, 1861 — eighteen days before she seceded, and sixteen before the proclamation — Virginia had seized the United States guns at Bellona arsenal. This I know personally, for I was at the time, as you know, a member of the Legislature, and resisted the act as unlawful and shameful. On the seventeenth of April, 1861, by order of Gov. Letcher, the channel of Elizabeth River was obstructed by the sinking of vessels loaded with granite, so that

United States ships could not pass up to the Navy-Yard at Gosport, nor merchantmen to Norfolk, in pursuit of legitimate commerce. On the eighteenth of April, a force was sent by Gov. Letcher to take possession of Harper's Ferry, when the Virginia forces fired on the United States soldiers, and killed two. April the eighteenth, the custom-house and post-office at Richmond were seized, and about the same time the custom-house at Norfolk, and the navy-yard at Gosport. Now, all these were acts of war, and they transpired before a United States soldier trod the soil of Virginia, or a gun was fired within hearing of her people. On the seventeenth of April, Gov. Letcher issued his proclamation calling on the people of Virginia to hold themselves in readiness to resist the Federal troops; and on the twenty-fourth of April the State became a member of the Southern Confederacy. By this act she became a party to all the hostile acts of the government of the confederate States — the bombardment of Fort Sumter, the seizure of the forts and ships, and all other illegal and belligerent acts of the new confederation. All this was before any advance of a Federal army into Virginia. No advance was made, indeed, until the twenty-fourth of May, when Alexandria was taken. Nor would a hostile Federal foot-print have impressed her soil unless she had herself first committed acts of aggression and war, and invited and allowed the armed enemies of the United States to make her territory the battleground for the resistance of the Federal authority, and the destruction of the Government itself. Indeed, except for the contribution of her rightful military quota, the President's Proclamation calling forth the militia did not apply to Virginia, and could not, until she had placed herself in the same category with the rebellious, resisting States. She chose to bring herself within the scope of the Proclamation, and the act and the awful consequences are her own. Had she taken the position of Maryland, Kentucky, and Missouri, every one of her loyal citizens would have been within the saving protection of the United States.

With what reason, then, can it be said that Mr. Lincoln made war on Virginia, and invaded the homes of her people? And yet thousands of her citizens were hurried into disunion by the misguided notion that they were acting on the defensive against an unconstitutional and aggressive war.

Not less absurd was the pretext that the object of the war was to subjugate the South. There was not one fact to justify such a declaration. The Proclamation of April the fifteenth looked only to the execution of the laws, and the defence of the Capital from threatened sack; and, since, there has been no act of the Government bearing the faintest semblance of subjugation.

And as groundless was the charge that general emancipation was an object of the war; for the Republican platform itself expressly disclaims all right of Federal interference with the domestic affairs and institutions of the States; the House

of Representatives, early in 1861, several months before Virginia seceded, almost unanimously denied the right or the purpose of the Federal Government to interfere with slavery in the States; and at the extra session in July last, that body, by all the votes but two—and those two of Southern men—declared that the purpose of the war was not the abolition of slavery or the subjugation of the South, but the salvation of the Government, and the restoration of the Union. As for the Executive branch of the Government, it has done nothing thus far to encourage the idea either of emancipation or subjugation. What may occur hereafter, I, of course, cannot undertake to say; but if the action of Mr. Lincoln in overruling the proclamation of Gen. Fremont, and the sentiments of Secretary Caleb B. Smith, in his patriotic speech delivered in Rhode Island during the past summer, be any index to the future conduct of the Administration, the struggle we are engaged in will preserve the character, thus far exhibited, of an honest effort for the preservation of the Government, and the bringing back of the ancient Union.

I repeat, secession was never the act of Virginia. A large majority of the members of her Convention had been elected as Union men, and but ten days before the passage of the secession ordinance, the ill-omened measure had been voted down by a heavy vote. Now I hold that the enactment of a secession ordinance by men who had been elected and trusted by the people as Union men, was in violation of every principle of representative government and of good faith; was, indeed, a daring fraud upon the elective franchise, and an outrage upon the sovereign people. The judgment pronounced at the polls in February last, which filled the Convention with Union-plighted members, stood the judgment of the people until reversed by the same tribunal that had originally entered it up, and until set aside in the same solemn mode. Nothing had occurred to justify the presumption of a change in the popular sentiment but the President's Proclamation, which every member of the Convention well knew was in strict pursuance of law, and did not, as a hostile or coercive measure, embrace Virginia at the time of its issue, for then she had not seceded. What the reason was for this sudden and extraordinary shifting; whether the outside pressure, in the shape of panic or intimidation, reached the hall of the Convention or not, I undertake not to say. But I do say that, for some cause or other, the men of that body, distinguished as many of them are, did not act up to the great duty of a great occasion. Secession, under such circumstances, bound no one.

True, a vote of the people did, soon after, ratify the ordinance of secession, but the knee-shaking of the leading men was soon communicated, as if by contagion, to the alarmed and credulous masses, and contributed materially to the result; and, besides, it has been already demonstrated that, in that vote, there was no freedom. There was in it, in truth, no more of moral freedom, than there would be of physical liberty in a per-

son bound hand and foot with massive chains, too strong for human strength to sever.

With these views, honestly entertained, you will perceive how difficult it must be with me to tread, even with my State, the thorny path of secession. I could not, and thank God I did not, yield to the misrepresentation, prejudice, passion, and intimidation, which rendered her vote off her secession ordinance a nullity, and I am quite willing to bear all the consequences, be they what they may.

There are still other reasons why I could not favor secession. I thought I saw, in disunion, the sure doom of the great Southern institution of slavery. I am now convinced that my evil auguries are at least approaching fulfilment, and by the acts of the slaveholders themselves. None else could have shaken the foundations of the institution. Before this thing of secession began, it was reposing quietly and safely and acquiring strength, its antagonisms gradually compromising on account of the constantly increasing demand for cotton, rice, sugar, and tobacco, which are most naturally and successfully the products of slave labor. But necessity is a shrewd teacher; and it is now discovered that many regions of the earth hitherto regarded as unsuited to the cotton culture are well adapted to it. To say nothing of India and Australia, Central America and the Island of Hayti, with climate reasonably suited to white labor, can furnish cotton for the present consumption of the world. A few years' continuance of the war, by the high prices resulting from the sudden loss of the American crop, will stimulate the production of the staple in numerous parts of the world where it is not now raised, and then the Southern monopoly will be gone, and with it will go Southern slavery forever. Without cotton, what is slavery worth?

Never have I known such an infatuation as that of the slaveholders destroying the Union to save slavery. It was never so safe as under the ægis of the Constitution of the United States. In this Union, it has "flourished like the green bay tree," and it has flourished nowhere else. I think the views I earnestly pressed upon our Legislature just before the State seceded, and often before, are those which should have governed the slaveholders of the South. I said:

"In my judgment, there is no safety for this institution save in the Constitution of the United States. There it is recognised and protected. No other property is specially protected. Slaves are represented; no other property is. This Union of ours is the great bulwark of slavery. Nowhere else has it flourished; and, break up the Union when you will, you knock away its strongest prop. A Southern confederacy will be to it its deadliest blast, if not its grave. The whole civilized world is intensely hostile to slavery; and the moment a new confederacy is formed, based on the single idea of slavery, numerous and malignant antagonisms will be evoked which may endanger the institution. But, under the shield of the Constitution of the United States, these antagonisms, whether foreign or domestic, are,

and ever will be, harmless. In that blessed instrument it is a recognised institution—part and parcel of our frame of government, and of our social and industrial systems—to the protection of which the entire power of the great Government of the United States stands pledged before the entire world. Thus secure under the wing of the Union, why shall we risk its security by rushing on untried experiments?"

Yea, why should we? Why expose it to the exacting and perilous necessities of war? Why let it go within reach of a whirlpool, whose strong vortex may sweep down its bark, and submerge it forever?

Another exception I am constrained to take to pursuing the course my State prescribes me, is, that she has transferred me to, and made me a citizen of, the confederate States, without giving me a chance of indicating my assent or dissent. Bound hand and foot, I am sold to South-Carolina, for she did the "dragging." I dispute the fairness of the sale; I impeach the indentures for fraud; and if I am to be sold, I want the poor privilege of choosing my master. I shudder at the thought of being sold to South-Carolina. For near forty years she has been a disturber of the national peace; for near forty years she has never caught one inspiration from the stars and stripes. She is a wicked, seditious State. *She* hates the Union; *I* love it with all my soul. Let me never—oh! let me never be turned over to such a State. Let me be a Russian serf, rather! And then, to think of Virginia—once proud Virginia—the "mother of states and statesmen"—the land of stirring memories and "bright particular" renown—crouched at the footstool of South-Carolina!

One more reason why I could not venture the fatal leap of secession. I had not the courage—I frankly own I wanted the courage. When Walpole, a prime minister of Great Britain, was taunted with an unwillingness to tax America, he replied: "I will leave that measure to some one of my successors who has more courage than I have." And so say I. I leave this dangerous, awful thing of secession to those who have more courage than I claim to possess. And I trust that those who have shown more courage in this matter than I could summon, will not have occasion to be reminded of the ill-fated history of the Grenville ministry, that, having more courage than Pitt and Walpole, did undertake to tax America, and, by so doing, lost to England the brightest jewel in her crown.

When I thought on the unhappy consequences that, I plainly foresaw, would come upon my State and her people; when I saw, as plainly as I ever saw God's sun in the heavens, that if Virginia seceded, her territory would become the theatre of a devastating war, and she and her citizens the chief sufferers by it, while the guiltier parties who had brought it on would repose in the shade of comparative peace and ease; when I reflected that an absolute ruin of all her vital interests was inevitable; that her grand system of internal improvements—her future hope—would

lie a heap of prostrate ruins; that repudiation even would be her doom by the exhausting effects of an exhausting war; that her people would, by blockade, be cut off from the markets of the world, their comforts abridged, the price of all the necessities of life advanced to insufferable rates, and the burdens of taxation crushing down the energies of her tax-payers; that all the poor people of her tide-water region, whose subsistence was derived almost exclusively from the Northern trade, would be reduced to starvation; that she would lose, in the first month of secession, two hundred millions of dollars in her slave property alone; when I contemplated the penury, and want, and suffering of the humble poor which war brings with infallible certainty for that more helpless class; the social desolation, the broken hearts, the helpless widowhood and orphanage, the severance of all the dear, sweet ties of life, the burning hates, the alienation of bosom from bosom, the "death-feud's enmities" which can die only at the point of the piercing sword, the separation of husbands and wives, and fathers and mothers, and sons and daughters, the blood and death of war's sad havoc: I say, when I thought of all these inevitable consequences of secession, my courage sank, and I resolved—I know now I was right—to have my skirts clear and my hands clean when the day of retribution should come.

Caius Marius, at the end of one of the civil wars that had wasted the blood and substance of Rome, was forced to sink himself up to the chin in the marshes of Minturna, to escape recognition and the vengeance of his wronged and ruined countrymen. I have no ambition, nor do I mean to have the fate of Marius mine.

Another consideration, of itself controlling, moves me against secession. In God's name, what does the South want with independence? It is no boon—it will prove a fearful and enduring curse.

Provision for self-destruction being expressly made in the constitution of the confederate States, by conceding to each of the confederating parties the right to withdraw at will, what can the government end in but convulsing changes and revolutions, destructive of all material advancement, and of all social quiet and happiness? Can such a government last a lustrum? Can it, for example, confine within its restraints even for five short years, the turbulent spirit of South-Carolina? Such a government is no government. It is not worth a rush.

And if all history be not at fault, border wars will be inevitable, and a taxation, to protect a long frontier, which would destroy the substance and paralyze the energies of any people on earth.

The next bitter fruit will be entangling alliances with foreign powers, perhaps abject dependence on them, or, may be, ultimate subjugation.

But this branch of the subject I turn over to a master limner, the Hon. Jere. Clemens, of Alabama, who spoke thus to the people of Huntsville, during the last Presidential canvass:

"If secession could be peaceably effected—if the Northern and Southern States could be by common consent divided into two separate confederacies—if not, one drop of blood was spilled, or one blade of grass destroyed, in making the change, it would still bring unnumbered evils in its train. There would be a standing army to be maintained of not less than fifty thousand men, at a cost of fifty millions of dollars per annum. A navy must be built up, and the money for that purpose dragged from the pockets of the people. There would be a long line of frontier extending from the Atlantic Ocean to the western limits of Missouri, and from the northern boundary of that State to the Rio Grande, which it would be necessary to stud with military posts, and every mile of which would require to be secured by armed patrols, for the double purpose of enforcing the revenue laws and preventing the escape of fugitive slaves. Every harbor along the vast extent of seacoast, from Delaware Bay to the Rio Grande, would require an appropriation of millions for its fortifications. The people would be ground down by taxes, and demoralized by the constant presence of troops in their midst, who acknowledged no restraints but those of military law. Incessant quarrels would grow up between you and your Northern neighbors, and bloody wars would desolate your frontiers, if they did not spread destruction throughout every portion of your territory.

"The dream of a Southern Confederacy is the wildest vision that ever troubled the brain of a moon-struck enthusiast; a dream interrupted by bloody conflicts with your neighbors, and a vile dependence on a foreign power."

As for the other condition on which I may be safe in Virginia, the taking of the oath of allegiance to the confederate States of America, I spurn it with infinite scorn. I would sooner rot in a dungeon than swear any such fealty.

This Government of the confederate States of America I regard as the grandest, most stupendous, foulest fraud known in the history of the world. It is no government of the people. The people had no part nor lot in the matter. It was, as to the Cotton States at least, the precipitation of discontented or ambitious spirits, that sought no redress for actual grievances, but who, for a higher civilisation, or a pure slave republic, or some other Utopian project, longed to break down the Government. "All changes in the fundamental law of a State, (said Mr. Calhoun,) ought to be the work of time, ample discussion, and reflection." But how was it with the formation of this Southern Confederacy? The South-Carolina Convention met on the seventeenth of December, 1860, and on the twentieth, she was out of the Union. And in less than four months, eight stars had been struck from the National standard. A government which it had cost our fathers seven years of hard fighting, and as many of hard experience and sober reflection to create, in four short months dashed into ruins! And this without the people being allowed the poor privilege of saying whether they would or would not sanc-

tion the vandalism! I can swear by no such government. Nor do I desire to live, or have my children live, under a government which contains, in the very first paragraph of its constitution, the principle of dissolution. Give me, rather, a government under which I and mine will have some guarantee for safety to property and for stability in all the rights of society; some safeguard against fickle change and destroying revolution. Give me the old Union—the Union of Washington and Madison, and Franklin, and not this poor abortion of Davis, Yancey, and Rhett, which,

"Like the Borealis race,
That flits ere you can find the place,"

may be here to-day, and forever gone to-morrow.

In truth, this struggle on the part of the loyal States, is a struggle for the very existence of the institution of property, and of all government itself. As such, it ought to be, and must be met.

For one, I cannot listen to the dulcet strain which comes up from the South on a thousand strings, that this struggle of the Cotton States is a struggle for the great principles of civil liberty. To put it on so honorable a basis, is bold imposture. The Constitution of the United States is the best system of civil liberty that ever emanated from human hearts and heads. It is the accumulated political wisdom of the world, from the time of Magna Charta to 1789. Those who would subvert it, are no friends to civil liberty. They are strangers to the spirit of Hampden, and Russell, and Pym, and Algernon Sidney, and Washington, and Hancock, and Otis, and Thatcher, and Madison, and Clay, and Webster. Yet more unblushing is the effrontery which would liken the contest in which the confederate States are engaged, to the struggle for colonial liberty in the Revolution. The comparison is almost profanity. It utterly falsifies history. The great principle of the American Revolution was, that taxation and representation should not be disunited. The Colonies contended that unless they were represented, they should not be taxed—that they who paid the taxes, should have a voice in their imposition. Is any such principle involved in the present conflict? Was ever the right claimed to tax the Southern people without representation? Has the Federal Government ever made the effort to deprive them of representation? *Before* secession, had not the now seceded States full representation in the Congress—a representation of all white citizens, and three fifths of all others, including slaves? And, by virtue of that representation, has not the South nearly all the time controlled and shaped the Federal legislation and policy? Did not South-Carolina herself, through her Calhoun and Lowndes, and other representatives, even fix upon New-England the protective system? And how does the South now lose her representation in the National Legislature, but by her own silly, suicidal act of secession? And how has she fallen into her present position of peril, war, desolation, and ruin, but by seceding and giving up her representation

in Congress? Whose fault is it that she is unrepresented? And how is it, except by the abdication of her rightful representation, that she is now placed within reach of confiscation and emancipation?

Such are the reasons that forbid me to be a secessionist.

And I think my old friends in Virginia ought to pardon me for my great love of the Union, for I have had some good teachers among her distinguished sons, whose precepts I have never forgotten, and never shall forget. I quote, as the last section of this long defence, the following patriotic, immortal sentiments:

"When your fathers attempted to form this Union, they did not know, beforehand, what sort of a Union it was to be.

"They set to work, and did the best they could under the circumstances.

"What they would accomplish no man could tell. There was not a head upon either of them that had the human wisdom to foretell what it was to be; but they went in for Union for Union's sake.

"By all the gods, by all the altars of my country, I go for Union for Union's sake. They set to work to make the best Union they could, and they did make the best Union and the best Government that ever was made.

"Washington, Franklin, Jefferson, all combined, in Congress or out of Congress, in Convention or out of Convention, never made that Constitution; God Almighty sent it down to your fathers. It was a work, too, of glory, and a work of inspiration.

"I believe that as fully as I believe in my Bible. No man, from Hamilton, and Jay, and Madison—from Edmund Randolph, who had the chief hand in making it—and he was a Virginian—the writers of it, the authors of it, and you who have lived under it from 1789 to this year of our Lord 1858, and none of your fathers, and none of your fathers' sons have ever measured the height, or the depth, or the length, or the breadth, of the wisdom of that Constitution."

These are the words—of whom? Of one of Virginia's favorite and most gifted sons—Henry A. Wise. They should be read every day in every American school, and be gotten by heart by every American youth. Long, long may they animate the American heart!

And now, I shall take the liberty, in return for the uncharitable judgment and abundant denunciation which have been my lot in my native land, to venture to my fellow-citizens there a little advice, which, however unthankfully received, is honestly, tendered.

Give up this ill-omened and ruinous war. Require your lawgivers at once to adopt the amendment proposed by Congress to the Constitution, to prohibit all interference with slavery in the States, and then return to your loyalty and to the Union of old.

And I assign two brief reasons for the admonition. First, if this war be not speedily terminated, the institution of Southern slavery perishes

forever—not by the willing acts of the Federal Government, but by the current of irresistible events—a consequence, not an object of the war, for which secession alone will be responsible. The highest interest of the slaveholders, if they desire to preserve their peculiar institution, is, THE SPEEDIEST POSSIBLE TERMINATION OF THE WAR. Secondly, persistence in this struggle is vain. There is one reason establishing its vanity, independent of all others, and that is, that the people of the Mississippi valley must have the free navigation of the "great father of waters," and will have it at every hazard, and will fight for it, while a drop of Western blood remains. They *will* have it, I repeat. It is a geographical necessity, totally irresistible. The States of the lower Mississippi and those above, *must* belong to a common government. There can be no divided empire there. Unless the people of Virginia, then, are prepared to carry on this unnatural and wasting contest until the last Western man—a race as brave as their Southern brethren, and capable of far more physical endurance—has fallen in his tracks, they had better at once throw down the arms of rebellion, and return to the Government under which they were always prosperous and happy, and under which their State was so rapidly advancing to power and grandeur.

This long letter I have written as a defence of my course. I desire to let my fellow-citizens of Virginia see that, while I have not been able to go with my State at this trying crisis, I have, at least, respectable reasons "for the faith that is in me." I trust you will make an effort to get it into some of the papers of the State, that this my defence may be known. It will be at least a consolation to my family, and to the few cherished friends, whom neither the troubles of the times nor defamation have estranged.

Affectionately, JOS. SEGAR.

Doc. 40.

GOVERNOR SHORTER'S PROCLAMATION.

MARCH 1 AND 6, 1862.

EXECUTIVE DEPARTMENT,
MONTGOMERY, ALA., March 1, 1862.

THE recent disasters which have befallen our armies, instead of depressing should nerve the unconquerable purpose and arouse the mighty power of these confederate States. Seven millions of people resolutely determined to maintain their right of self-government and not bow their necks to the oppressor's yoke can never be subjugated. They will rise in their majesty and strength, and with the blessing of God upon their righteous cause, will drive back the invaders from their land and country.

The reverses to our arms have imposed new duties upon Alabama and her sister confederate States. The first is to bury the love of gold and quench out that sordid spirit which values property above liberty, and to piously cultivate that martyr spirit which will sacrifice every material

interest rather than peril the priceless inheritance of freedom. Cut off, as their supplies may be from the north-west, the Cotton States should rely solely upon their own granaries and products to furnish subsistence for the armies within their borders. With their ports closed against the markets of the world, without remuneration for the labor of its production, and without even the material for covering the staple, the growing of cotton to any considerable extent will not only endanger the organization of the great armies which must be fed, but will serve to increase the energy and stimulate the avarice of our foes. The people of Alabama are requested, and the military officers of the State will be directed, to burn every lock of cotton within the State, if it be necessary to prevent it from falling into the hands of the public enemy; and if the people of these cotton-producing States are a wise people, they will raise not another crop of cotton beyond the demands for home consumption, until this unholy and cruel war shall cease. Let the States of the North which have fattened upon your toil, and which now seek your subjugation and to impose upon you the burdens of untold millions of war expenditures, and let the nations of Europe which behold your struggle for deliverance while their suffering people are clamoring for your great staple, see and learn that you value liberty and free government far above all other earthly considerations.

Plant not then one seed of cotton beyond your home wants, but put down your lands in grains and every other kind and description of farm product, and raise every kind of live stock which may contribute to the support of your own families and the needy families of your brave defenders, and which will be wanted also for the subsistence of the grand armies which shall march to achieve your independence.

Men, brave and gallant men, responding to the call of their bleeding country, are rushing by thousands to the field. Their cry is for arms with which to engage the foe. People of Alabama! will you not commit your arms into their hands? People of Alabama! will you not send the shot-guns and rifles rusting in your houses, that I may place them in the hands of your own sons to defend your altars and your homes? Agents are appointed all over the State to collect arms. If they do not find you I beg you to find them. Let every Sheriff and Judge of Probate, and all State officers, civil and military, receive and forward arms. Expenses will be promptly paid by the State.

Let every man do something towards arming our troops if he cannot go to the battle-field. Turn your shops into laboratories for the manufacture of arms and munitions of war. Send me thousands of shot-guns and rifles, bowie-knives and pikes. Send powder, and lead, and ball. What you cannot afford to give, the State will buy. Let the entire resources and energies of the people be devoted to the one great purpose of war—war, stern and unrelenting—war to the knife—such a war as, in the providence of God,

we may be compelled to wage in order to vindicate the inalienable rights of self-government.

As vile extortion is an abominable sin against humanity, all good men are earnestly urged to denounce its practice and crush out its spirit. Creditors are counselled to exercise moderation and forbearance; and all classes and conditions of people invited to cultivate a spirit of mutual confidence, of loyalty and devotion to their State and confederate government. With a true appreciation of the dangers which surround us, and of our duty to God and our country, let us all live and labor, and, if need be, die for the advancement of the glorious cause for which we are contending.

In testimony whereof, I have hereunto set my hand, and caused the great seal of the State to be affixed, at the city of Montgomery, this first day of March, A.D. 1862, and of the Independence of the confederate States of America, the second year.

JOHN GILL SHORTER.

By the Governor—P. H. BRITTAN,

Secretary of State.

N. B.—All papers in the State, please copy twice, and send accounts to the Executive office.

JAS. S. ALBRIGHT,

Private Secretary.

EXECUTIVE DEPARTMENT,
MONTGOMERY, ALA., March 6, 1862. }

For the protection of the Gulf coast, to repel invasion and to place Mobile in a state of security, I shall order out a large militia force from the counties of Mobile, Washington, Clark, Baldwin, Marengo, Choctaw, Sumter, Green, Perry, Wilcox, Monroe, Dallas, Pickens, Tuscaloosa, Bibb, Shelby, Covington and Antagaa, for the term of ninety days, unless sooner discharged. I will accept, in advance of the militia, and to the same term, sixty volunteer companies from the same counties, who must arm, clothe and equip themselves; each company to consist of one captain, one first lieutenant, two second lieutenants, five sergeants, four corporals, and not less than sixty-four nor more than one hundred privates.

All companies raised under this proclamation will be held as minute men, and must be prepared to proceed immediately to Mobile. Each company must provide at least six axes, four hatchets and four shovels or spades, and at least ten days' rations to commence the march.

It is not probable that the services of these troops will be required for the full term, and they will not encumber themselves with any useless or unnecessary clothing, and no more baggage than is allowed by the regulations will be transported.

It is desirable that each man should, if possible, provide himself with at least twenty rounds of ammunition, suitable for the gun he is armed with, before marching; and take with him his bullet-mould and powder-flask. Each company will furnish its own transportation to the nearest point on the river or railroad, and transportation will be furnished from such points to Mobile. As time is of importance, the captain of each company, as soon as it is organized, with the full

number of officers, non-commissioned officers and privates, and provided with the rations and implements specified, will report his muster-roll to the Adjutant and Inspector General of the State, and proceed immediately with his company to Mobile, reporting on his arrival to the officer in command at that place.

In testimony whereof, I, John Gill Shorter, Governor of the State of Alabama, have hereunto set my hand and affixed the great seal of the State, this sixth day of March, 1862.

JOHN GILL SHORTER.

By the Governor—P. H. BRITTAN,
Secretary of State.

SPECIAL ORDER—No. 7.

EXECUTIVE DEPARTMENT,
HEADQUARTERS, MOBILE, ALA., March 12, 1862. }

1. In pursuance of the extraordinary powers conferred upon the Executive of the State in the present emergency, I have deemed it necessary to order your brigade into the field of active service for a period of ninety (90) days, unless sooner discharged.

2. As the necessity imposed upon the people of the city and county of Mobile to go into active service may occasion individual disappointment and interfere with private enterprise necessary to the public advantage—to avert these difficulties, and obtain the active services of all efficient troops within the limits of your command in the shortest practicable time, you are hereby directed to order into service such troops, companies, battalions and regiments, or such portions of them as you may deem best for the public safety.

3. You are authorized to increase the number of rank and file in companies to one hundred and twenty-five, (125,) and the number of companies in the Second and Third regiments of Alabama volunteer militia now in service, to ten (10) in each, and for that purpose may order out and attach thereto such other companies or such forces arriving from the interior as may prefer to be connected with the Second and Third regiments of Alabama volunteer militia respectively, until they shall be increased to the number of ten each, and to the maximum of a company as above authorized.

4. You will order out the Forty-eighth, Eighty-ninth, Ninety-fourth and Ninety-fifth regiments respectively, in such portions of companies, battalions, or regiments, and at such times as you may consider most conducive to the public welfare, and to meet the necessities of the impending danger.

5. You are, with your staff, hereby ordered into the service of the State, and will assume the command of the Second and Third regiments of Alabama volunteer militia, and of all such additional forces as may be organized in pursuance of this order.

You will report to Brig.-Gen. Jones, commanding this department, and will make your requisitions for quarters, transportation and subsistence of the troops under your command upon the proper officers of the confederate States.

6. Should you not deem it expedient at this

time to put into active service your entire command, you will order such portions as are not placed in active service out for drill, discipline and review as often as you may consider it necessary and proper.

By command of JOHN GILL SHORTER,
Governor and Commander-in-Chief.
H. P. WATSON,
Adjutant General.
To Brig.-Gen. THOS. J. BUTLER,
Commanding Ninth Brigade Alabama Militia,
Headquarters Mobile.

Doc. 41.

THE SEVEN DAYS' CONTESTS.

JUNE 25—JULY 1, 1862.

COLOGNE "GAZETTE" ACCOUNT.

UPON the approach of the terrible Union armada we were forced to abandon our position on the peninsula at Yorktown, and after we had partially spiked our guns we drew back to our defensive fastness at Williamsburgh, so as at that point to cover our capital, Richmond, by throwing up strong fortified works, and perfecting a compact military formation. McClellan, the Commanding General of the Union troops, did not allow himself to be so far deceived by our voluntary withdrawal from our position at Yorktown as to regard us a beaten army, but with great celerity and skill continued the disembarkation of his troops, and began to fortify his position. It was not until he had completed his preliminary measures that he advanced with hostile demonstrations against our line. The lines at Williamsburgh were also given up by us without any great resistance, although it was very difficult to persuade the old fighting General Magruder of the propriety of the step, for he loved the position as a father loves his child; and, to tell the truth, all the fortifications had been constructed with much talent under his personal directions. The hard-headed old soldier was won over only after renewed debate and expostulation. At length, however, after a few cavalry affairs, the place was evacuated by our troops, and we took up our march, in two columns, for Richmond. In the mean while the most fearful panic fell upon Richmond, and all who could possibly get away packed up every thing they had and fled southward. The nearer the hostile army approached the city the fiercer the tumult and uproar became. The burning waves of popular alarm could not be stayed. The government itself furthered the confusion. Instead of resolving to triumph or to fall with the army in front of Richmond, it at once ordered all the different bureaux to pack up, and caused the officers of ordnance to empty the magazines, and convey their stores further south. Even President Davis took to the road and hastened, with his wife and children, to North Carolina. As may be readily divined, this loss of presence of mind threw the people at large into the most frantic excess of

terror. There was nothing on all sides but shouting and uproar, and confusion reached its utmost height. The secret police of Gen. Winder had lost all control. The civil authorities of Richmond were anxious to do something, but knew not what, and also lost their senses. A small number of the Baltimore rabble took advantage of the hubbub, and, in public meeting, passed resolutions condemning Richmond to conflagration as soon as the Union troops should enter it. Yet all who could escape did so. The sick and the wounded were carried further into the interior; many public and private buildings were marked out for destruction; and, in short, a frightful catastrophe seemed to be impending over the Southern capital.

At this most critical moment the General-in-Chief commanding our forces, (Johnston,) was wounded at the battle of Seven Pines, and the command fell into the able hands of Gen. Lee, who was exactly the man to bring quiet and order again out of this unreasonable chaos. He went to work with great zeal and energy to discharge his onerous task. All disposable troops were hastily summoned from the interior; Gen. Stonewall Jackson's army corps was ordered to Richmond; all the hospitals were cleared of their occupants, and preparations made for ten thousand wounded men; artillery and ammunition wagons rattled by day and night through the streets, while aids and orderlies galloped to and fro in wild hurry-scurry with their despatches.

Masses of troops came pouring in daily, yes, hourly, but without music or any other military pomp. Sternly and silently these ragged, half-starved swarms of men moved onward through the thoroughfares, but the fire in their eyes showed that they were determined to defend their freedom or to perish.

On the twenty-fifth of June another great council of war was held. In it were assembled nearly all that was eminent in the confederate army. There stood like a rock Gen. Lee, gazing cheerfully over the countenances of his comrades, for each of whom he had a part already assigned. Thoughtfully his eyes wandered from one to the other, as though he wished to stamp the features of each upon his memory, with the feeling that he, perhaps, should never behold many of them again. Close beside him towered the knightly form of General Baldwin; at his left leaned pensively Stonewall Jackson, the idol of his troops, impatiently swinging his sabre to and fro, as though the quiet room were too narrow for him, and he were longing to be once more at the head of his columns. A little aside quietly stood the two Hills, arm in arm, while in front of them old General Wise was energetically speaking. Further to the right stood Generals Huger, Longstreet, Branch, Anderson, Whiting, Ripley and Magruder in a group. When all these generals had assembled, General Lee laid his plans before them, and in a few stirring words pointed out to each his allotted task. The scheme had already been elaborated. It was compact, concentrated action, and the result could not fail to be brilliant.

When the conference terminated, all shook hands and hastened away to their respective army corps, to enter upon immediate activity.

Now, in looking at the positions of the two armies, it will be seen that unquestionably the advantage was with the Southern host; for General McClellan had his forces necessarily on both sides of the Chickahominy, and, owing to the many ravines in his neighborhood, could not, without great difficulty and much loss of time, execute his military movements. His front line reached over a distance of more than twenty miles, in the form of a semi-circle, extending from the James River towards Richmond and Ashland. While one part of his army crossed the Chickahominy, he took position with the main body on the north side of the river, from Meadow bridge to Bottom bridge. The heights on the banks of the stream were fortified, so that his army, notwithstanding the great length of its lines, had excellent defensive cover.

On the twenty-sixth of June, in the morning, our troops took up their positions. Jackson hastened by forced marches to Ashland, there to commence his out-flanking operations against the enemy. Having arrived there, his advanced guard drove in the weakly posted foe, and pushed on without loss of time to Hanover Court-House, where he threw forward Gen. Branch's brigade, between the Chickahominy and Pamunkey Rivers, to establish a junction with Gen. Hill, (first,) who had to cross the stream at Meadow bridge. Gen. Hill very gallantly opened the offensive and began his operations against the little town of Mechanicsville. The enemy who were stationed here made a brave resistance. Storming attacks were made again and again with a fury, and as often repelled with a cool determination that awakened admiration. In vain did General Hill send his aids in quest of Gen. Branch. The latter had encountered so many topographical difficulties that he reached his position in front of Mechanicsville only late at night, when the conflict was at an end. The morning of the twenty-seventh had scarcely begun to dawn ere our artillery opened a tremendous fire upon the enemy's front, so that the latter, when they also saw Branch's brigade advancing to the attack on their right, abandoned their position at Mechanicsville and fell back, fighting, upon their second defensive line, further down the stream. Just at the moment when we had established the crossing of the Chickahominy, arrived General Longstreet's magnificent army corps—old, experienced veterans of the Army of the Potomac—and the division of Gen. Hill, (second.) At once the order to advance was given all along the line. The divisions of Gens. Hill, (second,) Anderson and Whiting formed the centre, and moved towards Coal Harbor, while Jackson, Hill, (first,) and Longstreet formed the left, and marched down along the bank of the river. Magruder, commanding the right wing, was, on account of the swampy nature of the ground he occupied, ordered to hold himself merely on the defensive. Gen. Wise took command of Fort Darling, on the

James River. All these military offensive operations and the two preceding fights must have given Gen. McClellan knowledge of our intention to change our inconvenient position at Richmond, and to procure for ourselves more space and freedom of motion. He should, then, have instantly ordered the army corps of Gen. McDowell, which for four months had lain inactive near Fredericksburgh, to make a demonstration along the Richmond road. By such a movement even the flank march of Gen. Jackson would have been rendered impracticable. But Gen. McClellan must have been deceived in the character of Gen. McDowell; for, notwithstanding all the communications in reference to our combined manœuvres, the latter remained with imperturbable indifference in his secure position, and left Gen. McClellan's army, which had suffered greatly by sickness and desertion, a prey to the heavy concussions of our attack. Scarcely, therefore, had Gen. Lee received reliable intelligence of McDowell's inactivity than a general and simultaneous attack on McClellan's whole line was resolved upon. So soon, then, as the arrival of Gen. Jackson at Coal Harbor was reported, the Commander-in-Chief, with his staff, repaired to Gaines's Mill, and ordered the divisions of Anderson, Hill, (first,) Longstreet and Pickett to attack. Before these columns got into motion the thunder of artillery at our left announced that Gen. Jackson was already at work. This called forth in our troops the utmost enthusiasm.

Gen. McClellan's position on that day was remarkable in the highest degree. With one portion of his troops he had crossed to the south side of the Chickahominy, and there confronted Magruder, while, with the larger portion of his force, he had taken up a position more to the rear and nearer to the railroad, where he was resolved to accept battle. His dispositions revealed comprehensive forethought, talent and coolness. The different divisions of his army took their positions with admirable precision and awaited our onset with firmness. It was the first time that the two hostile armies had in relation to numbers, confronted one another with force so nearly equal; but the Unionists had the advantage of a better protected position, while our troops had to expose themselves to the hostile fire. The attack was opened by the columns of Hill, (first,) Anderson and Pickett. These gallant masses rushed forward with thundering hurrahs upon the musketry of the foe, as though it were a joy to them. Whole ranks went down under that terrible hail, but nothing could restrain their courage. The billows of battle raged fiercely onward; the struggle was man to man, eye to eye, bayonet to bayonet. The hostile Meagher's brigade, composed chiefly of Irishmen, offered heroic resistance. After a fierce struggle our people began to give way, and at length all orders and encouragements were vain—they were falling back in the greatest disorder. Infuriate, foaming at the mouth, bare-headed, sabre in hand, at this critical moment Gen. Cobb appeared upon the field, at the head of his legion, and with him the Nineteenth North-

Carolina and Fourteenth Virginia regiments. At once these troops renewed the attack, but all their devotion and self-sacrifice were in vain. The Irish held their position with a determination and ferocity that called forth the admiration of our own officers. Broken to pieces and disorganized, the fragments of that fine legion came rolling back from the charge. The Nineteenth North-Carolina lost eight standard-bearers, and the most of their staff-officers were either killed or wounded. Again, Generals Hill (first) and Anderson led their troops to the attack, and some regiments covered themselves with immortal glory. Our troops exhibited a contempt of death that made them the equals of old, experienced veterans; for, notwithstanding the bloody harvest the destroyer reaped in our ranks that day, no disorder, no timid bearing revealed that many of the regiments were under fire and smelt gunpowder then for the first time. But the enemy, nevertheless, quietly and coolly held out against every attack we made, one after the other. Notwithstanding the fact that solitary brigades had to stand their ground from four until eight o'clock P.M., they performed feats of incredible valor; and it was only when the news came that Jackson was upon them in the rear that about eight they retired before our advance. Despite the dreadful carnage in their ranks, they marched on with streaming banners and rolling drums, and carried with them all their slightly wounded and all their baggage; and, when the cavalry regiments of Davies and Wickham went in pursuit, repelled this assault also with perfect coolness.

By this time night had come on, and overspread the field of death with darkness, compassionately shutting out from the eyes of the living the horrid spectacle of slaughter. Quiet gradually returned. Only a feeble cannonade could be heard upon our farthest left, and that too, little by little, died away. The soldiers were so fearfully exhausted by the day's struggle that many of them sank down from their places in the ranks upon the ground. Although I, too, could scarcely keep in the saddle, so great was my fatigue, I hastened with one of my aids to that quarter of the field where the struggle had raged the most fiercely. The scene of ruin was horrible. Whole ranks of the enemy lay prone where they had stood at the beginning of the battle. The number of wounded was fearful, too, and the groans and imploring cries for help that rose on all sides had, in the obscurity of the night, a ghastly effect that froze the blood in one's veins. Although I had been upon so many battle-fields in Italy and Hungary, never had my vision beheld such a spectacle of human destruction. The preparations for the transportation of the wounded were too trifling, and the force detailed for that purpose was either too feeble in numbers or had no proper knowledge of its duties. Even the medical corps had, by the terrors of the situation, been rendered incapable of attending to the wounded with zeal and efficiency. With inconceivable exertion I at length succeeded, with the assistance of some humane officers, in bringing about some

kind of order amid this frightful confusion. By the happiest chance, I found some Union ambulances, had all our men who could drive and knew the way pressed into service, and set to work to get the wounded into Richmond. A most heart-rending task it was; for often the poor sufferer would expire just as we were about to extend him succor. By midnight we had got the first train ready. It consisted of sixty wagons, with two hundred seriously wounded. I cautiously and slowly conducted this train with success to the city. The first hospital reached I was met with refusal. "All full," was the reply to my inquiry. "Forward to the next hospital," was my word of command. "All full," was again the answer. Just then a friend said to me that if I would wait he might be able to help me, as he would have a neighboring tenement, used as a tobacco warehouse, prepared for a hospital. So I had to make up my mind to wait there an hour and a half in the street with my dying charge. I did my best to supply the poor fellows with water, tea and other refreshments, so as to alleviate their sufferings in some degree; but the late hour of the night and the agitation of the city prevented me from putting my design into more than half execution.

At length the so-called hospital was ready; but I could scarcely believe my eyes when I saw the dismal hole offered me by that name. There, in open lofts, without windows or doors, a few planks nailed together were to be the beds of the unfortunate defenders of our country. During those days of fate the soldier had endured all things—hunger, thirst, heat. Nothing could rob him of his courage, his indifference to death; and now he lay there wounded to the death at the door of his friends, whose property he had defended, for whose welfare he had exposed his life; and these friends turn him away to an open barn, where without dressing for his wounds or any care, he is left to perish.

And yet this city had a population of forty thousand souls, had churches admirably adapted to conversion into hospitals, had clergymen in numbers; but neither the doors of the churches opened nor were the ministers of the Gospel there to sweeten the last moments of the dying soldier. Sad and dispirited, I gave the order to carry in the wounded, cast one more glance at that house of death and horror, and then swung myself into my saddle and fled, with a quiet oath on my lips, back to my regiment.

Gen. Jackson had accomplished his flanking march without meeting with important resistance from the enemy. Hardly had he arrived at the positions marked out for him ere he sent his columns to the charge. Notwithstanding the difficulties and exertions of the march, which they had executed on short allowance, he hurled his troops—those desperate *sans culottes* of his—upon the Federals. In vain was all the courage, all the bold manœuvring of the enemy. Like a tempest Gen. Stuart and his cavalry swept down upon them and hurled every thing to the earth that stood in his way. A genuine fury took

possession of Jackson's men, who, throwing aside their muskets, and drawing their terrible bowie-knives, fell with these alone upon the victims offered up to them. Horrible was the carnage that then ensued, and although the Federals had at first made obstinate resistance, they now lost ground and fell back, throwing away arms, knapsacks, blankets—in fine, every thing that could impede their flight. Subordination and discipline were at an end. The soldier no longer heard the command of his officer, and deserted the post entrusted to his keeping. Already had two generals of the four hostile brigades been left by their men, and it was believed that all was over with McClellan's entire army, when at this perilous crisis, Gen. Heintzelman appeared with his division, and again brought the battle to a stand. With great ability and gallantry he repulsed the onset of our troops, and at once ordered the organization of the beaten and fugitive brigades; but it was found impossible to restore order to these confused and intimidated masses. They bore their officers along with them, and rushed away in wild, disordered flight.

Gen. Heintzelman saw himself compelled to abandon his position, and, like an ox, with head down and ready to receive attack at any moment, he drew slowly back to the Chickahominy. All the wounded and all the accumulated stores of the enemy fell into our hands, and Jackson could, with a clear conscience, issue the order: "Enough for to-day." None of the other generals had performed their task with such rapidity and success as he, and, therefore, the fruits of his victory were unusually large. The Unionists had lost during the day two brigadier-generals, one hundred and fifteen staff and subaltern officers, three thousand privates, and twenty-one cannon, and hundreds of ambulances and baggage-wagons with all their lading. The booty was immense; but, in a strategic point of view, Jackson's success was of far greater importance, since it cut Gen. McClellan off completely from his base of retreat. When, therefore, the triumph of Jackson's arms became known at headquarters, all counted with perfect certainty upon the destruction or capture of McClellan's entire force. The rejoicing bordered on frenzy, and when, early next morning, I rejoined my regiment, I found my poor fellows in a state of feverish excitement, for every man of them wanted to have a hand in the approaching capture or annihilation of the great Federal army. I alone shrugged my shoulders as my officers communicated their anticipations on the subject. We had gone through a similar experience in 1848, under Radetzky, in Italy. There, too, the Italians had already prepared quarters for the old man and his troops, and the Mayor of Milan was so firmly confident of victory and its consequences that he hurried out to meet the gray old hero a prisoner, at the very moment when the latter, overcoming all difficulties, was quietly withdrawing into his fortresses at Mantua and Verona.

I had but just reached my regiment when we received the order to advance along the whole

line. I looked with sadness upon our once fine division. How fearfully some regiments had been decimated! Many which, like my own, had marched out with eleven hundred men, had now but three or four hundred effective soldiers left. Yes, some—for instance, the Seventh Georgia and Twenty-first North Carolina—had only something over one hundred and eighty men. A vast number of officers were disabled, and many a fine fellow who, a few days before, full of confidence and jollity, had prophesied a golden future, was no more. I no longer had the courage to ask for this one or that one whom I did not see, but took it for granted that he had fallen on the field of honor—it was too sad to always hear the same response, “He is dead,” “he fell here,” or “there,” in such and such a way.

As our divisions were getting into motion, suddenly appeared the President, Jefferson Davis, surrounded by the General of Cavalry, Joseph Davis, and Messrs. Johnston and Smith, followed by Secretary of War Randolph, and his military Cabinet. Now when the danger was over, when Richmond had been free from the iron yoke placed upon her neck by the encircling army of the foe, and when they began again to breathe freely within their walls, these parlor heroes could, at last, at the close of the bloody struggle, assume a theatrical attitude. Yet, with no hurrah as of yore, did the soldiers receive the conqueror of Buena Vista. With a cold eye and as stiff as his horse he rode along the front of the regiments, only once in a while addressing a word to some friend.

When our division had successfully worked its way out from among the labyrinths of dismounted artillery, shattered wagons and dead and wounded soldiers, and got room for freer movement, we opened our eyes wide with astonishment when, on reaching the positions evacuated by the enemy, we found nothing but a few stands of arms and some baggage. All their material had been carried off by them in this part of the field, and only a huge number of dead told how fearfully the battle had raged at this point. The fortifications were of colossal dimensions and had far greater solidity than we had supposed. We at once received orders to pursue the foe immediately, or at least so soon as we could ascertain his exact whereabouts. We had hardly got beyond White House when we descried a huge cloud of smoke which eddied above the woods about a mile and a half to our right. As we carefully advanced in that direction we perceived a high heaped-up pyramid briskly burning with a red-hot glow and sending forth volumes of steam. The hostile General had given orders to commit all the property that could not be carried away to the flames, and here the eager conquerors were robbed of millions of dollars' worth of booty. Like hungry wolves my poor fellows rushed toward the huge glowing heap to save whatever could yet be saved. There were hundreds of casks of meat, coffee, sugar, molasses, rice, wine, even champagne—in fine, all those delicacies with which the Northern army was more than abundantly provided, and which we poor devils scarcely knew the names of, piled up on one another. Yet all our efforts to rescue something useful were vain; the enemy had taken his precautions for the total destruction of every thing left behind with such cunning skill that there was nothing remaining but spoiled and useless goods. On the other hand, the entire field was covered with the heavy cloth cloaks of the fugitives, and these were very welcome to our troops. Yet all essential particulars proved to me that General McClellan had accomplished his retreat with order and sagacity, and that there was nothing farther from his thoughts than a surrender of the army. Indeed, from some stragglers captured by my men, I learned that he had crossed the Chickahominy with his entire force, had given up his former base of retreat and was now approaching the James River, probably with a view to form a junction with the fleet. I at once sent an officer with the intelligence to Gen. Lea. Hereupon I received orders to halt, and presently there rushed by the twelve fine brigades of Hill (first) and Longstreet to give the supposed flying enemy his death-blow. About five miles from Darleystown, on the Newmarket road, we got sight of the foe; but they had taken up a splendid position. The plain, thickly beset with trees at this point, and rough, broken ground, was very unfavorable to the operations of our brave cavalry, and they were condemned to inaction.

General McClellan had taken his position at Frazier's farm, which formed his centre. This point he had strengthened with nineteen pieces of heavy artillery, had collected his best troops there, and firmly and coolly awaited our attack. We had, at all hazards, to drive the enemy from the neighborhood of our capital or succumb ourselves. No other choice remained for us. But General McClellan only too well understood his critical position. By the folly of Gen. McDowell, the pitiful conduct of Secretary Stanton, and the political reasons of Commander-in-Chief Halleck, at Washington, he was offered up, as it were, to destruction. Many another general would, perhaps, under such dreadful circumstances, have sought death amid the crash of battle. However, he did not hesitate a moment, notwithstanding the frightful losses he had suffered during those four days' struggles, to trust his fate, like an old and gallant soldier, to the sword.

During that four days' massacre our troops had been transformed into wild beasts, and hardly had they caught sight of the enemy, drawn up in order, ere they rushed upon them with horrible yells. Yet calmly, as on the parade-ground, the latter delivered their fire. The batteries in the centre discharged their murderous volleys on our men, and great disorder ensued among the storming masses. General Lee sent all his disposable troops to the rescue, but McClellan opened upon these newly formed storming columns so hellish a fire that even the coldest-blooded veteran lost his self-possession. Whole ranks of our men were hurled to the ground. The thunder of the cannon, the crackling of the musketry from a

hundred thousand combatants, mingled with the screams of the wounded and the dying, were terrific to the ear and the imagination. Thus raged the conflict within a comparatively narrow space seven long hours, and yet not a foot of ground was won. All our reserves had been led into the fight, and the brigade of Wilcox was annihilated. At length the coming of night compelled a truce, and utterly overcome by fatigue, the soldier sank upon the ground at his post, thoughtless of even the friend torn from his side and engrossed only with the instinct of self-preservation. But "Water! water!" was the cry from the parched lips on all sides. The empty flasks contained not a drop, alas! and at length sleep overcame each worn-out warrior, and even thirst and hunger were forgotten. Gloomy and out of humor, General Lee rode through the camping-ground of the decimated regiments attended by his staff, and then, with a dry, harsh voice, ordered up the divisions of Wise and Magruder to bury the dead. With a brief remark, he next indicated to General Longstreet his position for the next day, and rode off with his aids to visit other portions of the line.

THE SIXTH DAY AND THE SEVENTH, WITH THE BATTLE OF MALVERN HILL.

The gray of morning was just beginning to appear upon the horizon when the roar of artillery was once more heard. A battery which, during the night, General Anderson had placed nearer to the hostile lines was instantly noticed by the enemy and vigorously attacked by his field-pieces. Every shot struck, and the fragments were hurled in all directions. Of the twelve pieces in the battery five were quickly dismounted and the teams half destroyed, yet the commanding officer held his post. In the mean while our columns had formed without having tasted any strengthening or nourishing refreshment. Exhausted by the fatigues of the preceding days, they fairly reeled on their feet, yet not a man shrank back from duty. At length, as the sun rose in splendor, and we could better distinguish the enemy's position, an involuntary exclamation escaped me, for it was evident to me, from the denser ranks he exhibited, that McClellan had been considerably reinforced during the night, and could therefore withdraw his worn-out troops from the foremost lines, and have an easy struggle with fresh men against our famished and exhausted force.

General Lee, convinced of the perilous position of affairs, at once issued orders to Stonewall Jackson to cover the retreat in case the army should be compelled to fall back, and directions were sent to Richmond to get all the public property ready for immediate removal. Then the divisions of Hill, (second,) Longstreet, Anderson, Cobb and Whitcomb were ordered to storm the enemy's works.

And now again commenced one of the most desperate combats that ever took place in any war. The loss on our side was absolutely frightful. McClellan observing the devastation his artillery was making among our troops, called up a

division of reserves, and overwhelmed us with a terrific rain of musketry. His masses pressed forward, step by step, nearer and nearer, until at length some companies of ours threw their arms away and fled. McClellan availed himself of this panic and ordered a flank movement of his cavalry. Quick as thought Anderson placed himself at the head of our horse, and led three regiments to the charge. Their onset was magnificent. Our Texans burst with ringing huzzas into the ranks of the foe, who, without even giving us time to try our sabres, turned to the right about; but here, too, the hostile field-pieces prevented farther success, and we had to draw back from before that crushing fire.

The enemy, noticing our confusion, now advanced, with the cry: "Onward to Richmond!" Yes, along the whole hostile front rang the shout: "Onward to Richmond!" Many old soldiers who had served in distant Missouri and on the plains of Arkansas wept in the bitterness of their souls like children. Of what avail had it been to us that our best blood had flowed for six long days?—of what avail all our unceasing and exhaustless endurance? Every thing, every thing seemed lost, and a general depression came over all our hearts. Batteries dashed past in headlong flight; ammunition, hospital and supply-wagons rushed along, and swept the troops away with them from the battle-field. In vain the most frantic exertion, entreaty, and self-sacrifice of the staff-officers. The troops had lost their foothold, and all was over with the Southern Confederacy.

In this moment of desperation Gen. Hill came up with a few regiments he had managed to rally; but the enemy was continually pressing nearer and nearer, louder and louder their shouts, and the watchword, "On to Richmond!" could be heard. Cavalry officers sprang from their saddles and rushed into the ranks of the infantry regiments, now deprived of their proper officers. Gen. Hill seized the standard of the Fourth North-Carolina regiment—which he had formerly commanded—and shouted to the soldiers: "If you will not follow me, I will perish alone!" Upon this, a number of officers dashed forward to cover their beloved General with their bodies, the soldiers hastily rallied, and the cry, "Lead on, Hill, head your old North-Carolina boys!" rose over the field. And now Hill charged forward with this mass he had thus worked up to the wildest enthusiasm. The enemy halted when they saw these columns, in flight a moment before, now advancing to the attack, and Hill burst upon his late pursuers like a famished lion. A fearful hand-to-hand conflict now ensued, for there was no time to load and fire. The ferocity with which this combat was waged was incredible. It was useless to beg the exasperated men for quarter: there was no moderation, no pity, no compassion in that bloody work of bayonet and knife. The son sank dying at his father's feet; the father forgot that he had a child—a dying child; the brother did not see that a brother was expiring a few paces from him; the friend

heard not the last groans of a friend; all natural ties were dissolved; only one feeling, one thirst panted in every bosom—revenge. Here it was that the son of Major Peyton, but fifteen years of age, called to his father for help. A ball had shattered both his legs. "When we have beaten the enemy, then I will help you," answered Peyton; "I have here other sons to lead to glory. Forward!" But the column had advanced only a few paces further when the Major himself fell to the earth a corpse. Prodiges of valor were here performed on both sides. History will ask in vain for braver soldiers than those who here fought and fell. But of the demoniac fury of both parties one at a distance can form no idea. Even the wounded, despairing of succor, collecting their last energies of life, plunged their knives into the bosoms of foemen who lay near them still breathing.

The success of Gen. Hill enabled other generals to once more lead their disorganized troops back to the fight, and the contest was renewed along the whole line, and kept up until deep into the night; for every thing depended upon our keeping the enemy at bay, counting, too, upon their exhaustion at last, until fresh troops could arrive to reinforce us. At length, about half-past ten in the evening, the divisions of Magruder, Wise and Holmes came up and deployed to the front of our army. Had the commanders of these divisions executed their orders with promptitude and skill, streams of blood would have been spared, and the foe would have been thrown back upon his reserves in the course of the forenoon; but they reached us fully seventeen hours behind time. The generals had been uncertain concerning the marching orders, their columns crossed each other and became entangled, and precious time was irremediably lost. Still, as it was, the remainder of our force had to thank the final arrival of these divisions for their rescue.

So soon as these reinforcements could be thrown to the front, our regiments were drawn back, and as far as possible reorganized during the night, the needful officers appointed, and after the distribution of provisions, which had also fortunately arrived, measures were adopted for the gathering up of the wounded and the burial of the dead.

On Tuesday, July first, at two o'clock in the morning, while the stars were still visible in the sky, Gen. Magruder again opened the battle, and very soon began a cannonade so fearful that the very earth trembled with the concussion. By twelve o'clock meridian McClellan had abandoned all his positions, leaving behind his wounded, his baggage, and many pieces of cannon. Magruder followed him, hot foot, but cautiously, as he had first to sweep the surrounding woods with artillery and sharpshooters.

About half-past four P.M. our troops reached the vicinity of the well-known farm of D. Carter, known as Malvern Hill. Here Gen. McClellan

had again drawn up his army to reopen the fight. Gen. Magruder no sooner saw the enemy's position than he once more led his men to the attack. His columns advanced in magnificent order over the space that separated them from the foe, and stormed the intrenched position. But a murderous hail of grape received the brave fellows and mowed them down, until finally the fragments of these splendid divisions were compelled to seek the shelter of the woods. Again Generals Smith, Anderson, and Holmes led on their troops, but suddenly missiles of monstrous dimensions tore down whole ranks of our soldiers and caused the most appalling damage.

This was the fire of the fleet, which, although two and a half miles distant, now took part in the contest. Our men still rushed forward with desperate courage against the hostile position, and Malvern Hill was attacked on all sides. McClellan defended himself courageously, and it was twelve o'clock at night ere he evacuated this position, which both nature and art had made a strong one. The heroic daring and energy of our troops had overcome all obstacles.

The battle of the seventh day will live forever in the memory of the people as the battle of Malvern Hill. Nowhere, in all the actions fought around Richmond, was the contest confined within so small a space, and there was added to it the fire of the monster guns on board the enemy's ships. It was terrible to see those two hundred and sixty-eight-pound shell crashing through the woods, and when one exploded it was as though the globe had burst. Never, in any war since the world began, were missiles of such magnitude before used. The battle of Malvern Hill will be a monument for that people, testifying to the determined will and resolution with which it contended for its independence as a nation, and the indomitable firmness of its vow to conquer or to die.

I must award to Gen. McClellan my fullest recognition. There are few, if any, generals in the Union army who can rival him. Left in the most desperate straits by his companion in arms, McDowell; victimized by the Secretary of War, Stanton, at Washington; offered up as a sacrifice to destiny by political jealousy; cut off from his basis of retreat, he selected a new line of safety of which no one had even dreamed. He defended every foot of ground with courage and talent, and his last stand at Malvern Hill, as well as his system of defence and his strategic combinations, displayed high military ability. Yet his troops were too greatly demoralized by their seven days' fighting, and lost their stamina, while several of his generals could not comprehend the ideas of their commander, and sustained him but poorly, or not at all. At Harrison's Landing, where the James River forms a curve, he collected his shattered array under the guns of the Federal fleet. But, on our side, we had no longer an army to molest him.—*N. Y. Herald.*

Doc. 42.

THE LUTHERAN GENERAL SYNOD,

RESOLUTIONS ON THE WAR.

On the thirteenth of May, 1862, at Washington, D. C., a Committee of the General Synod of the Evangelical Lutheran Church in the United States were introduced to President Lincoln by the Secretary of State, and communicated the subjoined resolutions.

The Rev. Prof. L. Sternberg, of Hartwick Seminary, New-York, the chairman of the Committee, in presenting the resolutions, addressed the President as follows:

Mr. President: We have the honor, as a committee of the General Synod of the Lutheran Church in the United States, to present to your Excellency a copy of the preamble and resolutions in reference to the state of the country, adopted by that body, at its late session, in the city of Lancaster, Pa.

We are further charged to assure you that our fervent prayers shall ascend to the God of nations, that Divine guidance and support may be vouchsafed to you in the trying and responsible position to which a benignant Providence has called you.

With your permission, the Rev. Dr. Pohlman, of Albany, N. Y., will briefly express to you the sentiments which animated the Committee and the Church they represent, in view of the present crisis in our National affairs.

The Rev. Dr. Pohlman, of Albany, N. Y., in his speech, alluded to the fact that the late session of the General Synod of the Lutheran Church, at Lancaster, was the first that had been held since the troubles in our country commenced; that the General Synod represents twenty-seven district Synods, scattered over the Middle, Western, and Southern States, from twenty-two of which delegates were in attendance; that from the States in rebellion no delegates were present, except one from Tennessee, who had, in praying for the President, avoided arrest only in consequence of the fact that he conducted divine services in the German language, the vernacular of many in the Lutheran Church. He further expressed his deep conviction that we were greatly indebted for the degree of success that has crowned the efforts of the Government in quelling the rebellion, to the prayers of Christians, and concluded by invoking the Divine benediction to rest on the President and on our beloved country.

REPLY OF THE PRESIDENT.

Gentlemen: I welcome here the representatives of the Evangelical Lutherans of the United States. I accept with gratitude their assurances of the sympathy and support of that enlightened, influential and loyal class of my fellow-citizens in an important crisis, which involves, in my judgment, not only the civil and religious liberties of our own dear land, but in a large degree the civil and religious liberties of mankind in many countries

and through many ages. You well know, gentlemen, and the world knows, how reluctantly I accepted this issue of battle forced upon me, on my advent to this place, by the internal enemies of our country. You all know, the world knows, the forces and the resources the public agents have brought into employment to sustain a Government against which there has been brought not one complaint of real injury committed against society, at home or abroad. You all may recollect that in taking up the sword thus forced into our hands, this Government appealed to the prayers of the pious and the good, and declared that it placed its whole dependence upon the favor of God. I now humbly and reverently, in your presence, reiterate the acknowledgment of that dependence, not doubting that if it shall please the Divine Being who determines the destinies of nations, that this shall remain a united people, they will, humbly seeking the Divine guidance, make their prolonged national existence a source of new benefits to themselves and their successors, and to all classes and conditions of mankind.

RESOLUTIONS.

Whereas, Our beloved country, after having long been favored with a degree of political and religious freedom, security and prosperity, unexampled in the history of the world, now finds itself involved in a bloody war to suppress an armed rebellion against its lawfully constituted government; and

Whereas, The Word of God, which is the sole rule of our faith and practice, requires loyal subjection to "the powers that be," because they are "ordained of God," to be "a terror to evil-doers and a praise to those who do well," and, at the same time, declares that they who "resist the power" shall receive to themselves condemnation; and

Whereas, We, the representatives of the Evangelical Lutheran Synods of the United States, connected with the General Synod assembled in Lancaster, Pa., recognize it as our duty to give public expression to our convictions of truth on this subject, and in every proper way to coöperate with our fellow-citizens in sustaining the great interests of law and authority, of liberty and righteousness. Be it therefore

Resolved, That it is the deliberate judgment of this Synod, that the rebellion against the constitutional government of this land is most wicked in its inception, unjustifiable in its cause, unnatural in its character, inhuman in its prosecution, oppressive in its aims, and destructive in its results to the highest interests of morality and religion.

Resolved, That, in the suppression of this rebellion, and in the maintenance of the Constitution and the Union by the sword, we recognize an unavoidable necessity and a sacred duty which the Government owes to the nation and the world; and that, therefore, we call upon our people to lift up holy hands in prayer to the God of battles, without personal wrath against the evil doers on

the one hand, and without doubting the righteousness of our cause on the other, that he would give wisdom to the President and his counsellors, and success to the army and navy, that our beloved land may speedily be delivered from treason and anarchy.

Resolved, That, whilst we regard this unhappy war as a righteous judgment of God, visited upon us because of the individual and national sins of which we have been guilty, we nevertheless regard this rebellion as more immediately the natural result of the continuance and spread of domestic slavery in our land, and therefore hail with unmingled joy the proposition of our Chief Magistrate, which has received the sanction of Congress, to extend aid from the general government to any State in which slavery exists, which shall deem fit to initiate a system of constitutional emancipation.

Resolved, That we deeply sympathize with all loyal citizens and Christian patriots in the rebellious portions of our country, and we cordially invite their coöperation in offering united supplications at a throne of grace, that God would restore peace to our distracted country, reestablish fraternal relations between all the States, and make our land, in all time to come, the asylum of the oppressed, and the permanent abode of liberty and religion.

Resolved, That our devout thanks are due to Almighty God for the success which has crowned our arms; and whilst we praise and magnify his name for the help and succor he has graciously afforded to our land and naval forces, in enabling them to overcome our enemies, we regard these tokens of his divine favor as cheering indications of the final triumph of our cause.

Doc. 43.

PASTORAL LETTER

FROM THE BISHOPS OF THE PROTESTANT EPISCOPAL CHURCH TO THE CLERGY AND LAITY OF THE CHURCH IN THE CONFEDERATE STATES OF AMERICA.

Delivered before the General Council, in St. Paul's Church, Augusta, Ga., Saturday, Nov. 22, 1862.

At your request, brethren of the Clergy and Laity, we conclude the session of our First General Council by presenting to you and reading in your presence a pastoral letter, addressed to the members of the Protestant Episcopal Church scattered throughout the confederate States. By the mighty power of the Holy Ghost we have been permitted to bring our deliberations to a close in a spirit of harmony and peace, which augurs well for the future welfare of our branch of the Church Catholic; and our first duty is to thank Him who has promised to be with his Church to the end of the world, for his presence with us during our consultations, and to the happy conclusion to which he has brought our sacred labors.

Seldom has any Council assembled in the Church of Christ under circumstances needing

Sup. Doc. 16

his presence more urgently than this which is now about to submit its conclusions to the judgment of the Universal Church. Forced by the providence of God to separate ourselves from the Protestant Episcopal Church in the United States—a Church with whose doctrine, discipline and worship we are in entire harmony, and with whose action, up to the time of that separation, we were abundantly satisfied—at a moment when civil strife had dipped its foot in blood, and cruel war was desolating our homes and firesides, we required a double measure of grace to preserve the accustomed moderation of the Church in the arrangement of organic law, in the adjustment of our code of canons, but above all, in the preservation, without change, of those rich treasures of doctrine and worship which have come to us enshrined in our book of Common Prayer.

Cut off likewise from all communication with our sister churches of the world, we have been compelled to act without any interchange of opinion even with our Mother Church, and, alone and unaided, to arrange for ourselves the organization under which we should do our part in carrying on to their consummation the purposes of God in Christ Jesus. We trust that the spirit of Christ has indeed so directed, sanctified and governed us in our work, that we shall be approved by all who love our Lord Jesus Christ in sincerity and in truth, and who are earnest in preparing the world for his coming in glorious majesty to judge both the quick and the dead.

The Constitution of the Protestant Episcopal Church in the confederate States, under which we have been exercising our legislative functions, is the same as that of the Church from which we have been providentially separated, save that we have introduced into it a germ of expansion which was wanting in the old constitution. This is found in the permission which is granted to existing dioceses to form themselves by subdivision into provinces, and by this process gradually to reduce our immense dioceses into episcopal sees, more like those which in primitive times covered the territories of the Roman Empire. It is at present but a germ, and may lie for many years, without expansion, but being there it gives promise, in the future, of a more close and constant episcopal supervision than is possible under our present arrangement.

The canon law, which has been adopted during our present session, is altogether in its spirit, and almost in its letter, identical with that under which we have hitherto prospered. We have simplified it in some respects, and have made it more clear and plain in many of its requirements; but no changes have been introduced which have altered either its tone or character. It is the same moderate, just, and equal body of ecclesiastical law by which the Church has been governed on this continent since her reception from the Church of England of the treasures of an apostolic ministry and a liturgical form of worship.

The Prayer-Book we have left untouched in every particular save where a change of our civil government and the formation of a new nation

have made alteration essentially requisite. Three words comprise all the amendment which has been deemed necessary in the present emergency, for we have felt unwilling, in the existing condition of affairs, to lay rash hands upon the Book, consecrated by the use of ages, and hallowed by associations the most sacred and precious. We give you back your Book of Common Prayer the same as you have entrusted it to us, believing that if it has slight defects, their removal had better be the gradual work of experience than the hasty action of a body convened almost upon the outskirts of a camp.

Beside this actual legislation which we now submit to you, our assembling together has given us a view of the condition of the Church throughout the confederate States which renders it our duty to speak to you as chief pastors over the flock of Christ, reminding you of the peculiar encouragements which surround us, specifying the points toward which our efforts, as a Christian Church, should be directed, and pointing out the deficiencies which require instant correction and amendment. No moment seems so propitious for the performance of this duty as that in which we are beginning a new life in the Church, and are preparing to stamp ourselves upon the world for good or for evil.

Our highest encouragement is derived from the fact that we hold the sacred trust of the faith once delivered to the saints, and that we hold it in connection with a ministry whose succession from Christ and his apostles is undoubted, and with a form of worship simple and pure, yet sublime and scriptural. These are not gifts to make boast of, but to use for the glory of God and the advancement of Christ's kingdom. Far from filling us with vain-glory, their possession should humble us in the dust, unless we approve ourselves faithful stewards of such inestimable treasures. To whom much has been committed, from him will much be required, and it remains for us to prove whether we have deserved so spiritual an inheritance. But possessing them, we may rightfully feel that we enter upon our warfare with the world, the flesh, and the devil, having all the strength that divine truth and a divine commission can give us.

We can press on without any doubts resting upon our hearts as to the truth which we are teaching, as to the validity of the sacraments which we are administering, or as to the authority of the orders which we are transmitting. Upon all these points we are secure, and we can go forward, offering to all men, with boldness and confidence, the Gospel of our Lord Jesus Christ and the fellowship of the saints. Whatever hindrances we may meet, or whatever contradiction of men we may encounter, we can rest assured that truth will finally prevail, and that God will set his Son upon his holy hill of Zion.

Our next source of encouragement is that we enter upon our work with our dioceses fully organized and with the means which Christ has instituted in his Church well distributed throughout the confederate States. When we remember

the very different auspices under which the venerated fathers of the American Church began their work, and mark how it has grown and prospered, we should indeed take courage and feel no fear for the future. In their case all the ecclesiastical arrangements had to be organized; in our case we find these arrangements all ready to our hand, and with the seal of a happy experience stamped upon them. In their case every prejudice of the land was strong against them; in our case we go forward with the leading minds of our new republic cheering us on by their communion with us, and with no prejudications to overcome save those which arise from a lack of acquaintance with our doctrine and worship.

In their case they were indeed few and separated far from one another in their work upon the walls of Zion. In our case we are comparatively well compacted, extending in an unbroken chain of dioceses from the Potomac to the confines of the republic. Despite all these disadvantages, "the little one became a thousand and the small one a strong nation," and shall we despond? If we be watchful, and strengthen the things that remain, our God will not forsake us, but will "lengthen our cords and stretch forth the curtains of our habitations." In visible token of this fact, we have already, since our organization, added to the House of Bishops the Rt. Rev. Dr. WILLMER as Bishop of Alabama, and received into communion with the Church the Diocese of Arkansas.

Another source of encouragement is, that there has been no division in the Church in the confederate States. Believing with a wonderful unanimity, that the providence of God had guided our footsteps, and for his own inscrutable purposes had forced us into a separate organization, there has been nothing to embarrass us in the preliminary movements which have conducted us to our present position. With one mind and with one heart we have entered upon this blessed work, and we stand together this day a band of brothers, one in faith, one in hope, one in charity. There may be among us, as there always must be, minute differences of opinion and feeling, but there is nothing to hinder our keeping the unity of the Spirit in the bond of peace. We are all satisfied that we are walking in the path of duty, and that the light of God's countenance has been wonderfully lifted up upon us. He has comforted us in our darkest hours, and has not permitted our hearts to faint in the day of adversity.

These striking encouragements vouchsafed to us from the Father of our Lord Jesus Christ, should fill our hearts with earnest devotedness, and should lead us even now to inquire: "Lord, what wilt thou have us do?" And the answer to this question will lead us, your chief pastors, to specify the points toward which our efforts, as a Christian Church, should be especially directed.

Christ has founded his Church upon love — for God is love. It is the highest of all Christian graces. "And now abideth faith, hope, charity, these three, but the greatest of these is charity." Charity! not merely almsgiving, which is only one of its manifestations, but love! Christian

love! As Christ our Lord loved the world so divinely that he was satisfied to suffer all things for its redemption, so does he command us to love one another, and to be ready to do all things for each other's salvation.

This was his especial commandment: "A new commandment give I unto you, that ye love one another." And this is truly not only the new commandment, but the summary of all the commandments. The whole Gospel is redolent with it, with a broad, comprehensive, all-embracing love, appointed, like Aaron's rod, to swallow up all the other Christian graces, and to manifest the spiritual glory of God in Christ. A church without love! What could you augur of a Church of God without faith, or a Church of Christ without hope? But love is a higher grace than either faith or hope, and its absence from a church is just the absence of the very life-blood from the body.

Our first duty, therefore, as the children of God, is to send forth from this Council our greetings of love to the churches of God all the world over. We greet them in Christ, and rejoice that they are partakers with us of all the grace which is treasured up in him. We lay down to-day before the altar of the Crucified all our burdens of sin, and offer our prayers for the Church militant upon earth. Whatever may be their aspect toward us politically, we cannot forget that they rejoice with us "in the one Lord, the one faith, the one baptism, the one God and Father of all," and we wish them God speed in all the sacred ministries of the Church. Nothing but love is consonant with the exhibition of Christ's love which is manifested in his Church, and any note of man's bitterness, except against sin, would be a sound of discord mingling with the sweetest harmonies of earth and heaven. We rejoice in this golden chord which binds us together in Christ our Redeemer, and, like the ladder which Jacob saw in a vision, with the angels of God ascending and descending upon it, may it ever be the channel along which shall flash the Christian greetings of the children of God.

But while we send forth this love to the whole Church militant upon earth, let us not forget that special love is due by us toward those of our own household. To us have been committed the treasures of the Church, and those of our own kindred and lineage, who have sprung from our loins both naturally and spiritually, who are now united with us in a sacred conflict for the dearest rights of man, ask us for the bread of life. They pray us for that which we are commanded to give, the Gospel of the grace of God. They put in no claim for any thing worldly, for any thing alien from the mission of the Church. Their petition is, that we will fulfil the very purpose of our institution, and give them the means of grace. Every claim which man can have upon his fellow-man they have upon us, and having these claims, they ask only for the Church.

They pray us not to let them perish in the wilderness—not to permit them to be cut off from the sweet communion of the Church. "If,"

says the Apostle, speaking of Christian professors, and alluding to mere earthly things, "any provide not for his own, and especially for them of his own house, he hath denied the faith, and is worse than an infidel." What shall we say of that Church which shall not provide for its own children? How can it hope to be watered itself with gracious rain from heaven, when it hoards up for itself the river of life, which is ordained to flow through its channels of grace?

Many of the States of this Confederacy are missionary ground. The population is sparse and scattered; the children of the Church are few and far between; the priests of the Lord can reach them only after great labor and privation. Hitherto has their scanty subsistence been eked out from the common treasury of our united Church. Cut off from that resource by our political action, in which they have heartily acquiesced, they turn to us and pray us to do at least as much for them as we have been accustomed to do for the Church from which they have been separated by a civil necessity. We can do what they ask, and we ought cheerfully to do it. Unless we take care that the Gospel is sent to these isolated children of the Church, who will heed their cry? They have no Church to cry to, but the Church which we now represent; they cast themselves upon us in full faith that we will do our whole duty toward them. They are one with us in faith, in care, in suffering; they are bearing like evils with those which disturb us, and they have no worship to cheer and support them, no Gospel to preach to them patience and long-suffering. For Christ's sake they pray that they may be given at least a mother's bosom to die upon.

Voices of supplication come to us also from the distant shores of Africa and the East, but only their echo reaches us from the throne of grace. The policy of man has shut out those utterances from us. How can it help their cause to separate the children of God from one another? He only knows, but we can hear them when we kneel in prayer, and commune with their spirits through the spirit of Christ. But God is perchance intending, through these inscrutable measures, to shut us up to that great work which he has placed at our very doors, and which is, next to her own expansion, the Church's greatest work in these confederate States. The religious instruction of the negroes has been thrust upon us in such a wonderful manner that we must be blind not to perceive that not only our spiritual but our national life is wrapped up in their welfare. With them we stand or fall, and God will not permit us to be separated in interest or in fortune.

The time has come when the Church should press more urgently than she has hitherto done upon her laity the solemn fact that the slaves of the South are not merely so much property, but are a sacred trust committed to us as a people, to be prepared for the work which God may have for them to do in the future. While under this tutelage, he freely gives to us their labor, but

expects us to give back to them that religious and moral instruction which is to elevate them in the scale of being. And while inculcating this truth, the Church must offer more fully her ministrations for their benefit and improvement. Her laity must set the example of readiness to fulfil their duty towards these people, and her clergy must strip themselves of pride and fastidiousness and indolence, and rush with the zeal of martyrs to this labor of love.

The teachings of the Church are those which best suit a people passing from ignorance to civilization, because while it represses all fanaticism, it fastens upon the memory the great facts of our religion, and through its objective worship attracts and enchains them. So far from relaxing, in their case, the forms of the Church, good will be permanently done to them just in proportion as we teach them through their senses and their affections. If subjected to the teachings of a bald spiritualism, they will find food for their senses and their child-like fancies in superstitious observances of their own, leading too often to crime and licentiousness.

It is likewise the duty of the Church to press upon the masters of the country their obligations as Christian men, so to arrange this institution as not to necessitate the violation of those sacred relations which God has created, and which man cannot, consistently with Christian duty, annul. The systems of labor which prevail in Europe, and which are in many respects more severe than ours, are so arranged as to prevent all necessity for the separation of parents and children and of husbands and wives; and a very little care on our part would rid the system upon which we are to plant our national life of these unchristian features. It belongs especially to the Episcopal Church to urge a proper teaching upon this subject, for in her fold and in her congregation are found a very large proportion of the slaveholders of the country. We rejoice to be enabled to say that the public sentiment is rapidly becoming sound upon this subject, and that the Legislatures of several of the confederate States have already taken steps towards this consummation. Hitherto have we been hindered by the pressure of abolitionism. Now that we have thrown off from us that hateful and infidel pestilence, we should prove to the world that we are faithful to our trust, and the Church should lead the hosts of the Lord in this work of justice and of mercy.

Another duty which, for the present, devolves upon the Church, is an oversight of the children of God, as they lie without religion and without Christian care in the camps and hospitals of our government. Far be it from us to say that there has been no Christian supervision of our soldiers, and we cheerfully concede all praise and thanks to those who have done their duty through danger and privation; but we must affirm that there is still a great lack of service on the Church's part in this connection. From whatever cause it has arisen, whether from the scarcity of clergymen or from unwillingness to bear the hardships of the soldier's life, we are obliged to acknow-

ledge that we have been unable to find men who were willing to answer this call, and to take their places, not as soldiers fighting for their country, but as soldiers fighting for the victory of Christ over sin and death. In the opinion of the House of Bishops, no position is more suited at this moment to the true spirit of Christ and his Church than that of a faithful minister of the grace of God and of the sacraments of the Church to the soldiers in the field or in the hospital; and we would urge it upon those ministers who have been exiled from their parishes to enter upon this work as their present duty, trusting for support to Him who has said: "I will never leave thee nor forsake thee."

The most striking deficiency in the Church's work which we perceive in looking at the Church's life, is a lack of zeal in spreading the influences of the Church through her services and sacraments. Our ministry has become too local and sedentary, too well satisfied to sit down and do the work which it has undertaken to do, and overlooking the fields white for the harvest which are spread out all around them, and which cannot be cultivated save through their agency. Every well-established congregation should consider itself as a centre of missionary work, and should encourage its pastor to extend his usefulness beyond its own limits, and while he is a priest to them, to be in some measure a missionary to all about him. As long as the selfish idea is indulged, that a minister is tied down to a local congregation, and has no business to work around him, the Church must languish or increase but slowly. Missionaries cannot be furnished for every village and neighborhood, and they must remain uncared for by the Church, unless the settled clergy will make up their minds to extend the sphere of their operations beyond the narrow limits of their own immediate cures.

Another deficiency which requires amendment is the little spiritual intercourse which takes place among the clergy in their work for the Church. Each man works in his sphere, but for the most part he gives nothing to his brother clergyman, and receives nothing from him in return. When our Lord sent forth his Apostles, he sent them two by two, for the evident purpose that they should support, strengthen, and comfort each other. The spirit of this action is very much overlooked in the Church, and the clergy are weakened by it. While the House of Bishops would not specify any mode by which this defect should be remedied, it would recommend to the clergy a more free, spiritual intercourse, a more frequent interchange of clerical services, greater communion in prayer and in counsel. Many a despondent heart would thus be cheered, and many a weak brother would be comforted and strengthened.

Another deficiency which requires amendment is the little spiritual help which is given to the clergy by the laity. We have no reference now to the temporal support of the clergy, although we might well dwell upon that, but to the spiritual help which a Christian laity might give to the

clergy. In reading the Acts of the Apostles we find many illustrations of this truth, and we perceive how the greatest of the Apostles was not above the help of his yoke-fellows in the Gospel. There are many ways in which spiritual and earnest laymen can help their clergy in the work of the Church, and under their guidance and direction can become valuable missionaries of Christ, even while unordained. It requires sacrifice and self-denial, but we must all remember that we are not our own but are bought with a price, and belong to Christ—body, soul, and spirit.

But over and above all these special deficiencies looms up that greatest of all deficiencies, the lack of the Holy Spirit in and with our churches. Because of the degree to which spiritual influences have been abused in our land, we have been tempted to run into the other extreme, and to forget that we are living under what the Apostle calls the dispensation of the Spirit, and that the Church's work must derive all its power from his presence. Our danger is to merge the Holy Ghost into the means of grace, and overlook the important fact that he is a personal agent, acting indeed through those means, but not necessarily tied to them. Our Saviour said: "The wind bloweth where it listeth, and thou hearest the sound thereof, but canst not tell whence it cometh or whither it goeth; so is every one that is born of the Spirit." And as with the individual, so with the Church.

The Holy Spirit will be in the Church, if his presence is kept there by an acknowledgment of his power, by a sense of his necessity, by a constant prayer for his presence; but the addresses to the Church in Asia Minor instruct us to be watchful over ourselves, and to hold fast by him who is the representative of Christ upon earth, while he is interceding and advocating for us in heaven. Let the Church and her ministers always bear in mind that the growth of the Church and the vitality of the Church are "not by might, nor by power, but by my Spirit," saith the Lord.

And now it only remains for us to bid you, one and all, an affectionate farewell. We cannot but remember that when we last separated from you there stood among us two venerated brethren, dearly beloved in the Lord, who have since entered into their rest. When we parted we knew it must be so, but we could not foresee where the hand of death would fall. And, now, again we know, that separating once more for the like space of time we shall not all meet again. Whose shall be the summons? Well for us that the curtain of God's providence hides this knowledge from us, teaching us the lesson of Christian truth, that we must all watch and be sober, because we know neither the day nor the hour when the Son of Man cometh. May God's gracious providence guide you in safety to your homes, and preserve them from the desolations of war. And should we not be permitted to battle together any more for Christ in the Church militant, may we be deemed worthy to be members of the Church triumphant, where with prophets, apos-

ties, martyrs, saints, and angels we may ascribe honor and glory, dominion and praise, to Him that sitteth upon the throne, and to the Lamb, forever!

Doc. 44.

THE BATTLE OF PITTSBURGH LANDING.

GENERAL PRENTISS'S REPORT.

QUINCY, ILL., Nov. 17, 1862.

*Col. J. C. Kelton, Assistant Adjutant-General,
U.S.A., Washington, D. C.*

COLONEL: Upon my return from captivity in the hands of the public enemy, I have the honor to submit my report of the part taken in the battle of the sixth April last, near Pittsburgh Landing, by the Sixth division, Army of West-Tennessee, the command of which had been assigned to me.

I have the honor to transmit a full return of the force which was subjected to my control, as it appeared upon the morning of the engagement—the same being marked "A."

Saturday evening, pursuant to instructions received when I was assigned to duty with the army of West-Tennessee, the usual advanced guard was posted, and in view of information received from the commandant thereof, I sent forward five companies of the Twenty-fifth Missouri and five companies of the Twenty-first Missouri infantry, under command of Col. David Moore, of the Twenty-first Missouri. I also, after consultation with Colonel David Stuart, commanding a brigade of Gen. Sherman's division, sent to the left one company of the Eighteenth Wisconsin infantry, under command of Captain Fiske. At about seven o'clock the same evening Col. Moore returned, reporting some activity to the front—an evident reconnoissance by cavalry.

This information received, I proceeded to strengthen the guard stationed on the Corinth road, extending the picket-lines to the front a distance of a mile and a half, at the same time extending and doubling the lines of the grand guard.

At three o'clock on the morning of Tuesday, sixth April, Col. David Moore, (Twenty-first Missouri,) with five companies of his infantry regiment, proceeded to the front, and at break of day the advance pickets were driven in, whereupon Col. Moore pushed forward and engaged the enemy's advance, commanded by Gen. Hardee. At this stage a messenger was sent to my headquarters, calling for the balance of the Twenty-first Missouri, which was promptly sent forward.

This information received, I at once ordered the entire force into line, and the remaining regiments of the First brigade, commanded by Col. Everett Peabody, consisting of the Twenty-fifth Missouri, Sixteenth Wisconsin, and Twelfth Michigan infantry, were advanced well to the front. I forthwith, at this juncture, communicated the fact of the attack in force, to Major-General Smith and Brig.-Gen. S. A. Hurlbut.

Shortly before six o'clock, Col. David Moore

having been severely wounded, his regiment commenced falling back, reaching our front line at about six o'clock, the enemy being close upon his rear. Hereupon the entire force, excepting only the Sixteenth Iowa, which had been sent to the field the day previous without ammunition, and the cavalry which was held in readiness to the rear, was advanced to the extreme front and thrown out alternately to the right and left. Shortly after six o'clock, the entire line was under fire, receiving the assault made by the entire force of the enemy advancing in three columns, simultaneously, upon our left, centre and right.

This position was held until the enemy had passed our right flank, this movement being effected by the reason of the falling back of some regiment to our right not belonging to the division. Perceiving the enemy was flanking me, I ordered the division to retire in line of battle to the color-line of our encampment; at the same time communicating to Generals Smith and Hurlbut the fact of the falling back and asking for reinforcements.

Being again assailed, in position described, by an overwhelming force, and not being able longer to hold the ground against the enemy, I ordered the division to fall back to the line occupied by Gen. Hurlbut, and at five minutes past nine a.m., re-formed to the right of Gen. Hurlbut and to the left of Brig.-Gen. W. H. L. Wallace, who I found in command of the division assigned to Major-General Smith.

At this point the Twenty-third Missouri infantry, commanded by Col. Tindall, which had just disembarked from a transport and had been ordered to report to me as a part of the Sixth division, joined me. This regiment I immediately assigned to position on the left, and my battery (Fifth Ohio) was posted on the right on the road.

At about ten o'clock my line was again assailed, and finding my command greatly reduced by reason of casualties and because of the falling back of many of the men to the river, they being panic-stricken, a majority of them having now for the first time been exposed to fire, I communicated with General W. H. L. Wallace, who sent to my assistance the Eighth Iowa infantry, commanded by Col. J. L. Geddes.

After having once driven the enemy back from this position, Major-Gen. U. S. Grant appeared upon the field. I exhibited to him the disposition of my entire force, which disposition received his commendation, and I received my final orders, which were to maintain that position at all hazards. This position I did maintain until four o'clock p.m., when General Hurlbut, being overpowered, was forced to retire. I was then compelled to change front with the Twenty-third and Twenty-first Missouri, Eighteenth Wisconsin, Eighteenth Missouri and part of the Twelfth Michigan, occupying a portion of the ground vacated by Gen. Hurlbut.

I was in constant communication with Generals Hurlbut and Wallace during the day, and both of them were aware of the importance of holding

our position until night. When the gallant Hurlbut was forced to retire, Gen. Wallace and myself consulted and agreed to hold our positions at all hazards, believing that we would thus save the army from destruction, we having been now informed for the first time that all others had fallen back to the vicinity of the river. A few minutes after this, Gen. Wallace, his division, excepting the Eighth Iowa, Colonel Geddes, acting with me and the Fourteenth Iowa, Colonel Shaw, Twelfth Iowa, Colonel Wood, and the Fifty-eighth Illinois, Colonel Lynch, retired from the field.

Perceiving that I was about to be surrounded, and having despatched my aid, Lieutenant Edwin Moore, for reinforcements, I determined to assail the enemy, which had passed between me and the river, charging upon him with my entire force. I found him advancing in mass, completely encircling my command, and nothing was left but to harass him and retard his progress so long as might be possible. This I did until half-past five p.m., when finding that further resistance must result in the slaughter of every man in the command, I had to yield the fight. The enemy succeeded in capturing myself and two thousand two hundred rank and file, many of them being wounded.

Colonel Madison Miller, Eighteenth Missouri infantry, was during the day in command of a brigade, and was among those taken prisoners. He acted during the day with distinguished courage, coolness and ability. Upon Colonel J. L. Geddes, Eighth Iowa, the same praise can be justly bestowed. He and his regiment stood unflinchingly up to the work the entire portion of the day, during which he acted under my orders. Colonel J. S. Alban and his Lieut.-Colonel Beall, of the Eighteenth Wisconsin, were, until they were wounded, ever to the front encouraging their command. Col. Jacob Fry, of the Sixty-first Illinois, with an undrilled regiment, fresh in the service, kept his men well forward under every assault until the third line was formed, when he became detached and fought under Gen. Hurlbut. Col. Shaw, of the Fourteenth Iowa, behaved with great coolness, disposed his command very sharply at every command, and maintained his front unbroken through several fierce attacks. Colonel Tindall, Lieut.-Colonel Morton and Major McCullough, of the Twenty-third Missouri infantry, are entitled to a high meed of praise.

It is difficult to discriminate among so many gallant men as surrounded me when we were forced to yield to the overpowering strength of the enemy. Their bravery under the hottest fire is testified to by the devotion with which they stood forward against fearful odds to contend for the cause they were engaged in. To the officers and men who thus held to the last their undaunted front, too much praise cannot be given.

Captain McMichael, A. A. G., joined me when General Wallace fell. Much praise is due to him for services rendered upon the field.

Colonel David Moore, of Twenty-first Missouri infantry, is entitled to special mention. Captain A. Hickenlooper, of Fifth Ohio battery, by his

gallant conduct commended himself to general praise.

My staff consisted of but three officers. Brigade-Surgeon S. W. Everett was killed early in the engagement, gallantly cheering the Eighteenth Missouri regiment to the contest. Lieut. Edwin Moore, aid-de-camp, during the entire battle was by my side, unless when detached upon the dangerous service of his office. Captain Henry Binmore, A. A. G., was with me performing his duty to my great satisfaction, until, being thoroughly exhausted, I compelled him to leave the field.

I have the honor to be, Colonel, very respectfully,

Your obedient servant,

B. M. PRENTISS,
Brigadier-General U.S.A.

COLONEL GEDDES'S REPORT.

VINTON, BENTON COUNTY, IOWA, }
November 18, 1862. }

To His Excellency, S. J. Kirkwood, Governor of Iowa:

SIR: In compliance with your request, I have the honor to submit for your information, a report of the part taken by the Eighth Iowa infantry at the battle of Shiloh, fought on the sixth of April, 1862.

About eight o'clock on the morning of the sixth, I ordered the regiment under arms, and formed line of battle in front of my encampment, awaiting orders to proceed to the front. At this time the firing on our advanced line had become general, and it appeared to me evident that we were being attacked in force by the rebel general.

After remaining under arms about half an hour, during which time I had ordered the baggage belonging to the regiment to be loaded on the wagons, and an extra supply of ammunition to be issued to the men, I was ordered by Col. Sweeny, Fifty-second Illinois, Brigade Commander, to proceed to the front.

On arriving at our advanced line, I was ordered by Col. Sweeny to take my position on the left of the brigade to which I was attached, for the purpose of protecting a battery immediately in front. Here the regiment remained about one hour, exposed to a severe fire from artillery of shell and grape, killing and wounding several of my men.

About eleven o'clock A.M. I was ordered by Col. Sweeny, through his aid, Lieut. McCullough, Eighth Iowa, to leave my position and take ground to my left and front. This change of position brought my regiment on the extreme right of Gen. Prentiss's division, and left of General Smith's, the latter being the division to which my regiment belonged. I was thus entirely detached from my brigade, nor did I receive any order from my brigade or division commander during the remainder of that day.

On arriving at the point I was ordered to defend, I formed my regiment in line of battle, with my centre, resting on a road leading from Corinth to Pittsburgh Landing, and at right angles with my line. Here I immediately engaged a battalion of the enemy, and after a severe conflict

of nearly an hour's duration, in which I lost many of my men, the enemy were driven back with heavy loss. At this time Captain Hogan, company F, was shot dead, and Capt. F. Palmer, company H, severely wounded.

About one o'clock P.M. Gen. Prentiss placed a battery in position, immediately in front of my regiment, with instructions to defend it to the last. The precision of its fire, which was directed by the General in person, made great havoc in the advancing columns of the enemy. It therefore became an object of great importance to them to gain possession of the battery. To this end they concentrated and hurled column after column on my position, charging most gallantly to the very muzzles of the guns. Here a struggle commenced for the retention and possession of the battery, of a terrific character, their concentrated and well-directed fire decimating my ranks in a fearful manner. In this desperate struggle my regiment lost one hundred men in killed and wounded.

The conspicuous gallantry and coolness of my company commanders, Capts. Cleaveland, Stubbs and Benson on the left; Capts. McCormack and Bell in the centre; Capts. Kelsey, Geddes and Lieut. Muhs on the right, by reserving the fire of their respective companies until the proper time for its delivery with effect, and the determined courage of my men, saved the battery from capture, and I had the satisfaction of sending the guns in safety to the rear. In this attack I was wounded in the leg, Major Andrews severely in the head; and I here take pleasure in acknowledging the courage and coolness displayed by my field-officers Lieut. Col. J. C. Ferguson and Major J. Andrews, and the able assistance rendered by them on that occasion.

About three P.M. all direct communication with the river ceased, and it became evident to me that the enemy were driving the right and left flanks of our army, and were rapidly closing behind us. At this time I could have retreated, and most probably would have saved my command from being captured, had I been ordered back at this time. But I received no such order, and I considered it my duty to hold the position I was assigned to defend at all hazards.

Gen. Prentiss's division having been thrown back from the original line, I changed front by my left flank, conforming to his movements, and at right angles with my former base, which was immediately occupied and retained for some time by the Fourteenth Iowa, Col. Shaw. In this position I ordered my regiment to charge a battalion of the enemy, I think the Fourth Mississippi, which was done in good order, completely routing the enemy.

We were now attacked on three sides by the rebel force, which was closing fast around us. The shells from our own gunboats in their transit severing the limbs of trees, hurled them on my ranks. It now became absolutely necessary, to prevent annihilation, to leave a position which my regiment had held for nearly ten consecutive hours of severe fighting, successfully resisting

and driving back the enemy in every attempt to take the position I was ordered to hold and defend, with a loss of nearly two hundred in killed and wounded. I ordered my right to retire. On retiring about five hundred yards, I found a division of the rebels, under Gen. Polk, thrown completely across my line of retreat. I perceived that further resistance was useless, as we were now completely surrounded. Myself and the major portion of my command were captured at six o'clock P.M. of that day, and I claim the honor for my regiment of being the last to leave the advanced line of our army on the battle-field of Shiloh, on Sunday, sixth of April, 1862. I cannot conclude this report without bearing testimony to the gentlemanly conduct and dignified bearing of my officers and men during their captivity. Our captors had felt the effects and well knew the courage of my regiment in the field, but had yet to learn they could conduct themselves as well under other and very trying circumstances.

Not having received any reliable information as to the true amount of casualties at the battle and during our imprisonment, I shall forward an official list, as soon as practicable, of killed and wounded, and of such as died in Southern prisons through privation and neglect.

I am, sir, very respectfully, your ob't servant,

J. L. GEDDES,
Colonel Eighth Iowa Infantry.

COLONEL W. S. SMITH'S REPORT.

SHILOH FIELDS, TENNESSEE, April 11.

Captain Lyne Starling, A.A.G.

SIR: I beg leave to submit the following report of the part taken by the Fourteenth brigade, in the engagement of Monday, the seventh instant, at this place.

The brigade, after having bivouacked during the night of the sixth instant, on the hill near the Pittsburgh Landing, was put in motion at six o'clock A.M., on the seventh, and marched to the front, and placed in position in prolongation of the line of General Nelson's division, then hotly engaged. The Fourteenth regiment Wisconsin volunteers, temporarily attached to my brigade, was drawn up in line of battle on the right, the Thirteenth Ohio on the left, and the Twenty-sixth Kentucky in the centre. The Eleventh Kentucky was held in reserve, and placed two hundred yards in rear of the centre of our line of battle, in a position covered by the crest of a hill, along which our line of battle extended. Two companies of skirmishers, one from the Eleventh Kentucky and one from the Twenty-sixth Kentucky, were then deployed to the front. The skirmishers on our right soon engaged those of the enemy in an open field in front of the right of our line. The enemy's skirmishers retired, and all was quiet in front of our line for nearly an hour, when our skirmishers again engaged those of the enemy, and this was soon followed by a furious attack upon our whole front. The right recoiled, while the centre and left stood firm. The Twenty-sixth Kentucky was then sent forward to support our right, and a heavy cross-

fire to our front was opened from Bartlett's battery, which was in possession of our right. The enemy soon yielded, when a running fight commenced, which extended for about one mile to our front, when we captured a battery and shot the horses and many of the cannoniers. Owing to the obstructed nature of the ground, the enthusiastic courage of the majority of our men, the lag-gard discharge of duty by many, and the disgraceful cowardice of some, our line had been transformed in a column of attack, representing the various grades of courage, from reckless daring to ignominious fear. At the head of this column stood a few heroic men, not adequately supported, when the enemy returned to the attack, with three fresh regiments, in good order. We were driven back by these nearly to the first position occupied by our line, where we again rallied, and moved forward once more toward the battery. Reaching a ravine to the right and six hundred paces from the battery, we halted and awaited the assistance of Mendenhall's battery, which was brought into action on a knoll within half a mile of the enemy's battery, which it immediately silenced. We then advanced and captured it the second time, and succeeded in holding it, despite the efforts of the enemy to repulse us. One of the guns was at once turned upon the enemy, and Mendenhall's battery was advanced to nearly the same position, and opened fire upon the flank of the enemy's column, then retiring before General McCook's division on our right. This occurred at about half-past three o'clock P.M., and up to this time, from about eight o'clock in the morning, my brigade had been almost constantly engaged.

The Thirteenth Ohio, Eleventh and Twenty-sixth Kentucky regiments, seemed to vie with each other in determined valor, and while they each have cause to regret and detest the conduct of a few of their officers and men, they may proudly exult over the glorious part which they took, as regiments, in the bloody engagement of *Shiloh Fields*.

I beg leave to make special mention of the gallant conduct of the field and staff-officers of the Thirteenth Ohio and Eleventh and Twenty-sixth Kentucky regiments, who, without exception, bore themselves as true soldiers and efficient officers through all the dangers of the day. I desire also to mention the gallant conduct of Lieutenant Frank J. Jones, Thirteenth Ohio, acting A.A. General, and Lieutenant R. E. Hackett, A.D.C., Twenty-sixth Kentucky, whose conduct throughout the day was marked by great coolness and daring.

I herewith enclose the reports of the commanders of the several regiments constituting my brigade, and beg to refer to them for many particulars which escaped my own eye, as also for the lists of killed, wounded and missing, which in the aggregate amount to, namely: Killed, 23; wounded, 156; missing, 9. Total, 188.

Very respectfully, your most ob't servant,
Col. Wm. S. SMITH,
Commanding Fourteenth Brigade Fifth Division Army of Ohio.

REPORT OF COLONEL THAYER.

HEADQUARTERS SECOND BRIGADE,
THIRD DIVISION, ARMY IN THE FIELD,
PITTSBURGH, April 10, 1862.

CAPTAIN: I have the honor to submit herewith a report of the part taken by the Second brigade in the battle of Pittsburgh.

Early on Sunday morning, the seventh inst., hearing at my camp, at "Stony Lonesome," heavy cannonading in the direction of Pittsburgh, I immediately caused my command to be put in state of preparation to march at a moment's notice, and anxiously awaited orders. Soon Major-Gen. Wallace and staff rode up, and he gave me the desired command to move to the scene of action. At twelve o'clock the brigade was in the line of march, the Sixty-eighth Ohio, Colonel Stedman, being directed by me to remain at that point, in conjunction with Col. Kinney's Ohio regiment, for the purpose of preventing an approach of the enemy by the Adamsville road.

We arrived upon the field at Pittsburgh at dark, and throwing out a strong force of pickets in front of our line, we bivouacked in order of battle, the troops laying down with their arms in their hands. During the night a severe thunder-storm came on. Those who slept awoke to find themselves in a drenching rain. But they bore their hardships with fortitude and cheerfulness. Capt. Noah Thompson, of the Ninth battery of Indiana light artillery, having come up in the night, and placed his battery in position in the open field in front, at daylight, on the morning of the seventh, I moved the First Nebraska, Lieut.-Col. McCord, forward, so that its left rested on the battery. I then placed the Twenty-third Indiana, Col. W. L. Sanderson, on the right of the First Nebraska, having the Fifty-eighth Ohio, Col. Bausenwein, immediately in the rear of the two.

While in this position, Thompson's battery opened fire upon a battery of the enemy, discovered upon the hill directly in front. Having silenced it, I received orders from Gen. Wallace in person to advance in echelon. I did so, across the deep ravine and up the steep declivity where the rebel guns had been planted, keeping Capt. Baumer and his company, of the First Nebraska, as skirmishers in advance, which movement was executed in good order. Here the General directed a change of front of his division, which was executed by a left wheel of the whole line.

Advancing in line a short distance, we were soon under a heavy fire of the enemy's guns, both artillery and infantry. Moving forward, we emerged from the timber into a small cleared field, where Capt. Thompson, having moved forward, also planted his battery. I then moved the brigade by the right flank nearly half a mile into the timber again, for the purpose of extending our line to the right, and then forward to the brow of a steep hill, where we remained some three quarters of an hour, when the enemy's battery was again silenced. The order then came from Gen. Wallace to move forward.

We did so, and emerged from the timber into

a large open field. Moving my brigade in full line of battle, reserving our fire, we crossed a deep ravine and passed up on to the ridge beyond, under a terrible fire of musketry and artillery from the rebels. Arriving on the brow of this ridge, I gave the order to open on them, which was promptly done. Our fire told with fatal effect, for they immediately fell back. A few moments previous to this, observing a body of the rebel cavalry advancing on the outskirts of the timber on my extreme right, evidently with the intention of flanking us, I directed Col. Sanderson, of the Twenty-third Indiana, to move by the right flank some twenty rods, so as to bring his regiment directly in front of them, and to drive them back—a movement which he promptly and successfully accomplished. On getting in front of them, the cavalry discharged their carbines.

The Twenty-third Indiana immediately returned their fire, and under the lead of their Colonel then pressed forward; and the right flank company of the First Nebraska, Capt. Baumer, also giving them a right oblique fire, when the rebels at once fled in confusion. Still fearing a flank movement of the enemy, and observing Colonel Whittlesey coming up with two regiments, I rode to him and requested him to move as rapidly as possible to my right, which he readily did.

The action now became general along the line. I again gave the order, "*Forward*," and the line advanced as regularly, and with a front as unbroken as upon the parade-ground, the First Nebraska, Lieut.-Col. McCord, moving up directly in front of the enemy's battery.

Advancing about twenty rods, and finding the enemy had made another stand, I ordered a halt, and directed another fire upon them, which continued some fifteen minutes, when, discovering the enemy again receding, we pushed on nearly half a mile, halting as we ascended the brow of each hill, (the ground being composed of hills and valleys,) and giving them another volley, and then moving forward again. Perceiving the enemy's battery again in position, supported by heavy bodies of infantry, another halt was ordered, and another fire opened upon them, which became continuous along my whole line. The battle now raged with unabated fury for nearly two hours. The enemy's battery was exceedingly well served, it having obtained an excellent range.

I had no artillery to oppose to it, but the fire of our infantry was terrific and incessant, and was admirably directed, the men loading and firing at will with great rapidity. Learning from Col. McCord and Major Livingston that the ammunition of the First Nebraska was nearly exhausted, and from Major Dister, of the Fifty-eighth Ohio, that theirs also was nearly out, I rode to Gen. Wallace, who was on the left of the division, and requested of him a fresh regiment. He at once ordered forward the Seventy-sixth Ohio, Col. Woods, which I conducted to my line, and directed the First Nebraska to file by the right of companies to the rear, when the Seventy-sixth took its place. The First Nebraska and

the Fifty-eighth Ohio then fell back a few rods to a ravine. These movements were executed with perfect order.

My own ammunition-wagons having failed to come up, on account of the ravines, which were impassable for teams, over which we had crossed, Gen. Wallace sent me one of his own, which, fortunately, had arrived by another route. The two regiments refilled their cartridge-boxes, and in twenty minutes from the time they left the line, they were again in their position before the enemy; but the enemy was now fleeing. The General here ordered forward his whole division in pursuit, himself leading it, which was continued for a mile and a half, when we bivouacked for the night.

Thus did we drive the enemy before us from five o'clock in the morning till five in the evening, never receding an inch, but pressing steadily forward over a distance of four miles, the enemy contesting the ground rod by rod with a courage and determination that would have honored a better cause. I cannot speak in terms of too high praise of the officers and soldiers under my command; their conduct was most gallant and brave throughout. They fought with the ardor and zeal of true patriots. It gives me pleasure to speak of the different regiments and their officers.

Nobly did the First Nebraska sustain its reputation well earned on the field of Donelson. Its progress was onward during the whole day, in face of a galling fire of the enemy, moving on without flinching, at one time being an hour and a half in front of their battery, receiving and returning its fire. Its conduct was most excellent. Lieut.-Col. W. B. McCord and Major R. R. Livingston, of this regiment, were constantly in the thickest of the fight, executing every order with the utmost promptness and alacrity. They are deserving of the highest commendation for their gallantry.

The Twenty-third Indiana, by its conduct on the field, won my unqualified admiration. It moved constantly forward under the lead of its brave commander, Col. Sanderson, under a heavy fire, charging upon the enemy's cavalry, and utterly routing them. The coolness and courage of the Colonel aided much in the success of the movements of the brigade. Lieut.-Colonel D. C. Anthony, and Major W. P. Davis of the same regiment, behaved gallantly through the action, and were ever at the post of duty. The former had his horse shot under him. The regiment, with its Colonel and other officers, have earned distinguished honors for themselves and for the noble State which sent them into the field.

The Fifty-eighth Ohio proved themselves worthy of the confidence reposed in them. They fought with unabated courage during the day, never yielding, but firmly advancing, pressing the enemy before them. They have my highest esteem for their noble conduct in this battle. Col. Bausenwein, Lieut.-Col. Rempel, and Major Dieter, of this regiment, were conspicuous for their coolness and bravery throughout the day. Ever

exposed to imminent danger, they readily performed every duty, and handled their regiment most admirably.

Most honorable mention is due to Surgeon E. B. Harrison, of the Sixty-eighth Ohio, Surgeon of the brigade, and to Wm. McClelland, Acting Surgeon of the First Nebraska, for their prompt attention to the wounded. They labored at the hospitals with ceaseless devotion for days and nights after the battle in administering relief. Their services were invaluable.

I must also express my obligations to the members of my staff, S. A. Strickland, Acting Assistant Adjutant-General; my aids-de-camp, Captain Allen Blacker, and Lieut. Wm. S. Whitten, and also to Lieut.-Col. Scott, and Capt. Richards, of the Sixty-eighth Ohio, and Mr. George E. Spencer, who acted as volunteer aids, for their prompt conveyance and execution of orders in the face of all danger. I directed the men to lie down when not engaged, and to fire kneeling and lying down as much as possible, and also to take advantage of the ground whenever it could be done. By adopting this course, and continuing it throughout the day, I have no doubt but that the lives of hundreds of our men were saved.

In conclusion, I may be permitted to congratulate the General upon the part his division took, and upon the success which attended all his movements in the memorable battle of Pittsburgh.

I have the honor to be, very truly, yours,

JOHN M. THAYER,

Colonel First Nebraska, Commanding Second Brigade,
Third Division Army in the Field.

Captain FRED. KNEFLER,
Assistant Adjutant-General Third Division.

REPORT OF ACTING BRIGADIER-GENERAL STUART.

HEADQUARTERS SECOND BRIGADE, FIFTH DIVISION, }
CAMP SHILOH, April 10, 1862. }

Capt. J. H. Hammond, Assistant Adjutant-General Fifth Division:

SIR: I have the honor to submit a report of the part taken by the Second brigade of Gen. Sherman's division in the engagements of the sixth and seventh instant. The brigade, composed of the Fifty-fifth Illinois, commanded by Lieut.-Col. Malmberg; the Fifty-fourth Ohio, Col. Thomas Kilby Smith; and the Seventy-first Ohio, Col. R. Mason, occupied the extreme left of the advance, Gen. Prentiss's division being on my right and front.

In obedience to Gen. Sherman's orders, I kept a company at and in the vicinity of the ford of Lick Creek, on the Hamburg road, and another in the vicinity of the "bark road," coming in on the hills opposite and south-east of my encampment, as picket-guard; and on Saturday, sent six companies out on the Hamburg road, with a squadron of cavalry sent forward by Gen. McClelland to reconnoitre beyond Hamburg. The disposition of my pickets was reported to and approved by Gen. Sherman.

At half-past seven o'clock on Sunday morning I received a verbal message from Gen. Prentiss that the enemy was in his front in force. Soon

after, my picket sent in word that a force, with artillery, was advancing on the bark road. In a very short time I discovered the pelican flag advancing in the rear of Gen. Prentiss's headquarters. I despatched my Adjutant (Loomis, of the Fifty-fourth Ohio) to Gen. Hurlbut, who occupied with his division the rear of the centre, to inform him that Gen. Prentiss's left was turned, and to ask him to advance his forces. The reply was, that he would advance immediately. Within fifteen minutes, Gen. Hurlbut sent forward a battery, which took position on the road immediately, by Col. Mason's (Seventy-first) headquarters. A regiment, (the Forty-first Illinois,) as I remember, formed in line on the right of this battery. Observing these dispositions, and expecting that the remainder of Gen. Hurlbut's division would be up quickly, I established my line of battle accordingly, with the right of the Seventy-first-Ohio resting opposite the eastern extremity of the camp of the Fifty-fifth Illinois—the Fifty-fifth regiment next on the left, and the Fifty-fourth beyond, facing the south. I had two companies of the Fifty-fifth Illinois, and two companies of the Fifty-fourth Ohio detached as skirmishers on the hills opposite and across the creek or ravine, where the enemy was endeavoring to plant a battery, covered by a much larger force of skirmishers. From a convenient position on the brow of the hill or bank north of the creek, with my glass, I could observe all their movements.

Having succeeded in planting their battery in a commanding position, they opened a fire of shells upon us, under cover of which the infantry advanced upon us diagonally from the left of Prentiss's division, and also from the right of their battery. I hastened, in person, to the battery I had left half an hour before, in front of Col. Mason's tent, to order them further to the east, in front of my headquarters, when they would have had a splendid fire, as well upon the enemy's battery as upon the advancing infantry. *The battery had left without firing a gun, and the battalion on its right had disappeared.* For above a quarter of a mile to my right no soldier could be seen, unless fugitives making their way to the rear. A large body of the enemy's troops were advancing due north, toward Mason's camp, and I saw that the position of my brigade was inevitably flanked by an overwhelming and unopposed force. Hastening back to my brigade, I found the enemy rapidly advancing on its front.

The Seventy-first Ohio had fallen back, under the shelling of the enemy's guns, to some position (as I am informed by Capt. Mason) "about one hundred and fifty yards in the rear, and reformed on a ridge of ground very defensible for infantry;" but I could not find them, and had no intimation as to where they had gone. Before I could change position, the Fifty-fifth Illinois and the Fifty-fourth Ohio were engaged; but as soon as possible, I withdrew them to a position on the brow of a hill, and formed a line, which, extended, would intersect my first line diagonally from north-west to south-east. At this point I had not to exceed eight hundred men

of the Fifty-fifth Illinois and Fifty-fourth Ohio. I saw nothing more of the Seventy-first regiment through the fight.

The enemy's force of eight regiments of infantry, and a battery of four guns, which had been moving on our right flank, were here brought to a stand, and formed a line of battle. A body of cavalry were sent off on our (then) right, toward our rear, to harass or cut off our retreat; a part of the force which had attacked our first front were disposed with a view of flanking us on our present left. Against this latter force, (moving through a ravine which had its mouth just below, and in the rear of our extreme left,) I sent a detachment of four companies of Zouaves, (Fifty-fourth Ohio,) under Major Fisher, by whom they were held in check during the fight. This engagement opened the enemy's line, and one being established at a distance of one hundred and fifty yards apart. At this point we fought and held them for upward of two hours. The enemy's lines were within the edge of a grove, pretty well defended by trees. The space between us was an open, level and smooth field. The disposition of their forces was made deliberately, and occupied fully fifteen minutes, after we came up the ground.

Inadequate as I knew my force to be, I was encouraged to fight it and hold my position—first, with the object of detaining the enemy's force from advancing towards the river; and secondly, because I received a message from General McArthur, (who appeared in person somewhere in my vicinity,) to hold my position and he would support me on my right.

I could not find the Seventy-first Ohio regiment, and had less than eight hundred men under my command. During the action, we observed a battery planted south-east of us, in a commanding position to enfilade our line—it was employed, however, with little beyond threatening effect, the firing being too high. We had received no support on our right, (as promised by General McArthur.) We had emptied the cartridge-boxes of the killed and wounded, and our ammunition was exhausted. Our fire was so slackened from this cause, and our losses, that I was apprehensive of a forward movement by the enemy, who could easily have overwhelmed us and thrown us into ruinous confusion. With the advice of Colonel Smith, of the Fifty-fourth Ohio, and Lieut.-Col. Malmberg, commanding the Fifty-fifth Illinois, I gave the order to fall back through the ravine, and re-form on a hill to our right. I led the remnant of my brigade in good order to the point selected. When we reached it, the enemy had advanced on our left with their battery, and were in a commanding position within six hundred yards. They opened a fire of shell upon us, which compelled me to move on a little further, sheltering the command as well as possible by various and circuitous paths, till we reached a cavalry camp, when the brigade was re-formed. On our way we were joined by a small remnant of the Seventy-first Ohio, under command of Adjutant Hart, of that regiment, (some seventeen or eight-

teen men.) Finding that I was beyond the line of the enemy, after consultation I ordered the brigade to march to the rear towards the landing, in preference to sending for ammunition, which I apprehended would not reach us. Within a quarter of a mile of the batteries the brigade was halted by an officer of General Grant's staff, who stated that ammunition was being sent back, and ordered that every fragment of a regiment moving toward the landing should be stopped.

Suffering from a wound I had received in my shoulder before the termination of our fight, I turned the command over to Col. Thomas Kilby Smith, of the Fifty-fourth Ohio, (the next in rank,) and proceeded to the landing to learn the extent of my injuries.

Colonel Smith left the command to Lieut.-Col. Malmborg, temporarily, while he returned to find and unite with the brigade the left wing of his regiment, which had become detached from us, in defence of our left flank, under Major Fisher.

Meanwhile, Gen. Grant passing, ordered Col. Malmborg to form a line near the batteries. Major Fisher soon came in with his men and joined the line. Through Col. Malmborg's efforts, a line of over three thousand men was formed, composing remnants of regiments moving toward the landing. Major Andrews, of the Seventy-first, here came up with a portion of the left wing of his regiment, about one hundred and fifty men, whom he had led to the bank of the Tennessee, where he hailed the gunboats, informing them of the approach of the enemy. So much of the brigade were in the last engagement, near the batteries.

On Monday morning the brigade took the field under command of Col. Smith. Its conduct was under the observation of the General himself. I was not able to do more than to make an effort to excite the enthusiasm of the men and lead them to the field, where they were ordered forward into the action. I turned the command over to Col. Smith soon after. The experience of Sunday left me under no apprehension as to the fate of the brigade if coolness, deliberation and personal bravery on his part, could save it from loss or disgrace.

Col. Smith, from the beginning to the end of the engagement on Sunday, was constantly at his post, rallying, encouraging and fighting his men, under incessant fire, regardless of personal safety.

I was under great obligations to Lieut.-Colonel Malmborg, whose military education and experience were of very great importance to me. Comprehending at a glance the purpose and object of every movement of the enemy, he was able to advise me promptly and intelligently as to the disposition of my men. He was cool, discreet and brave, and of infinite service to me.

Adjutant Charles Loomis, of the Fifty-fourth Ohio, who was my only aid, discharged his duties with the utmost promptness and gallantry. He was intelligent, brave, and is a very meritorious officer.

It is my duty to make special mention of Ad-

jutant Hart, of the Seventy-first regiment, who, having lost his own regiment, sought a place in the ranks of the Fifty-fifth, and with seventeen men of his regiment, fought them bravely from first to last. Every captain in the Fifty-fifth did his duty, with one exception, and he is under arrest. The same is true of the lieutenants, with one exception, and he also is arrested.

[Official.]

D. STUART,

Colonel Commanding Second Brigade.

J. H. HAMMOND,

Assistant Adjutant-General.

N. B.—Killed and wounded—475.

Doc. 45.

GENERAL BARRY'S REPORT

OF ARTILLERY OPERATIONS AT THE SIEGE OF YORKTOWN, APRIL 5 TO MAY 8, 1862.

HEADQUARTERS CHIEF OF ARTILLERY,
ARMY OF THE POTOMAC, May 8, 1862. }

Brig.-General S. Williams, Assistant Adjutant-General:

GENERAL: I have the honor to make the following general report of the operations of the artillery at the siege of Yorktown.

The army having arrived in front of the enemy's works, April fifth, went into camp, and preparations were at once commenced for the siege. From this date until April tenth, active reconnaissances of the enemy's lines and works were pushed by the Commanding General. By his orders I examined the various inlets and creeks for the purpose of selecting a suitable place for landing the siege-train. Cheeseman's Creek, an affluent of the Poquosin River, about two miles and a half from the proposed location of our works, was selected as possessing the greatest advantages of deep water, a good landing, and facility of approach. The siege-train dépôt was established in a large open field about one mile and a half from the landing, and at the junction of the roads forming the approaches to the various batteries.

The siege-train consisted of 101 pieces as follows, namely:

2	200-pounder	Parrott rifle-guns.
11	100	" " "
18	80	" " "
22	20	" " "
10	4½-inch	rifle siege-guns.
10	18	" seacoast-mortars.
10	10	" " "
15	10	" siege-mortars.
5	8	" " "
3	8	" " howitzers.

Field-batteries of 12-pounders were likewise made use of as guns of position.

To serve this siege-train the First Connecticut artillery, Colonel Tyler, (one thousand four hundred men,) and the Fifth New-York volunteers, Col. Warren, (eight hundred men,) were placed under my orders.

Upon consultation with the Commanding General and the Chief Engineer, (Gen. Barnard,) the following location of batteries, and distribution of guns, was decided upon:

BATTERY No. 1.—In front of Farinholt's house, on the right bank of Wormley Creek and at its junction with York River; to command the water-front of Yorktown and Gloucester, and the extreme left of the enemy's land-side works.

Distance.—5000 yards to work on Gloucester Point; 4800 yards to Yorktown wharf; 4000 yards to centre of Yorktown; 3800 yards to enemy's long-range rifle-guns on "high bastion."

Armament.—2 200-pounder Parrott rifle-guns; 5 100-pounder Parrott rifle-guns.

Garrison.—1 battery, First Connecticut artillery, Capt. Burke; Major Kellogg, commanding.

BATTERY No. 2.—In front of enemy's line bearing on Yorktown and Hampton stage-road, (in first parallel.)

Distance.—1800 yards to Red Redoubt, (left;) 1900 yards to enemy's long-range rifle-guns on "high bastion," (right.)

Armament.—3 44-inch rifle-siege-guns; 6 30-pounder Parrotts; 6 20-pounder Parrotts.

Garrison.—2 batteries, First Connecticut artillery; 1 battery, First battalion New-York artillery; Major Hemingway, First Connecticut artillery, commanding.

BATTERY No. 3.—In first parallel 200 yards to the left of Battery No. 2.

Distance.—1900 yards to Red Redoubt; 2300 yards to long-range rifle-guns in "high bastion."

Armament.—7 20-pounder Parrott guns.

Garrison.—2 batteries, First battalion New-York artillery, Captain Voeglee, commanding.

BATTERY No. 4.—In ravine under plateau of "Moore's house."

Distance and Compass-Bearings.—To Gloucester Point N. 28° W. 4100 yards; to Yorktown wharf N. 43° W. 3500 yards; to Yorktown N. 49° W. 2400 yards.

Armament.—10 13-inch sea-coast mortars.

Garrison.—2 batteries First Connecticut artillery, Captains Dow and Harmon; Major Alex. Doull, Second New-York artillery, commanding.

BATTERY No. 5.—Beyond Warwick Court-House stage-road, in front of Red Redoubt.

Distance.—To Yorktown 2800 yards; to high bastion 2000 yards; to Red Redoubt 1600.

Armament.—8 20-pounder Parrotts.

Garrison.—Battery E, Second United States artillery, and 4 of Battery "C," First battalion New-York artillery, Capt. Carlisle, commanding.

BATTERY No. 6.—Junction of Warwick and Hampton Roads.

Distance and Compass-Bearings.—To Gloucester Point N. 3° E. 5100 yards; to Yorktown wharf N. 5° W. 3900 yards; to Yorktown N. 2775 yards; to Wynn's Mills S. 45° W. 2500 yards; to Red Redoubt N. 32° W. 2000 yards.

Armament.—6 10-inch sea-coast mortars.

Garrison.—1 battery, Captain Burbank, First Connecticut artillery, commanding.

BATTERY No. 7.—In front of Wynn's Mills.

Distance.—To Wynn's Mills Works 1100 yards.

Armament.—6 field 12-pounders.

Garrison.—A field-battery.

BATTERY No. 8.—In front of works south of Wynn's Mills.

Distance.—1125 yards.

Armament.—2 batteries, (12 guns,) field 12-pounders.

Garrison.—2 field-batteries.

BATTERY No. 9.—To the left of old mill-dam.

Distance and Compass-Bearings.—To Fort N. 20° W. 1900 yards; to exterior works N. 70° W. 2000 yards.

Armament.—10 10-inch siege-mortars.

Garrison.—2 batteries, Captains Cooke and Rockwood, First Connecticut artillery; Major Trumbull, commanding.

BATTERY No. 10.—In middle of first parallel, between right branch and York River.

Distance.—To Fort 2550 yards; to right Redoubt 2150 yards; to high Redoubt 1500 yards.

Armament.—3 100-pounder Parrotts; 1 30-pounder Parrott; 7 44-inch rifle siege-guns.

Garrison.—2 companies Fifth New-York volunteers; Captain Winslow, commanding.

BATTERY No. 11.—At the head of ravine "E."

Distance and Compass-Bearings.—To Gloucester Point N. 9° W. 4700 yards; to Yorktown wharf N. 7° W. 3650 yards; to Fort N. 18° W. 2600 yards; to exterior works N. 32° W. 2400 yards; to Wynn's Mills S. 52° W. 8300.

Armament.—4 10-inch sea-coast mortars.

Garrison.—1 company Fifth New-York volunteers.

BATTERY No. 12.—On peninsular plateau, behind secession huts.

Distance and Compass-Bearings.—To exterior works N. 78° W. 2000 yards; to Fort N. 20° W. 1600 yards; to burnt house, N. 9° E. 925 yards.

Armament.—5 10-inch siege-mortars; 5 8-inch siege-mortars.

Garrison.—1 company Fifth New-York volunteers.

BATTERY No. 13.—Right of Boyau, in front of Moore's house.

Distance.—To Gloucester Point 3000 yards; to exterior works 2400 yards; to Fort 1800 yards.

Armament.—6 30-pounder Parrotts.

Garrison.—2 companies Fifth New-York volunteers; Captain Cambreling, commanding.

BATTERY No. 14.—Extremity (right) of first parallel.

Distance.—To Gloucester Point 3100 yards; to exterior works 2500 yards; to Fort 1400 yards.

Armament.—3 100-pounder Parrotts.

Garrison.—1 battery First Connecticut artillery; Captain Perkins, commanding.

THURSDAY, APRIL 17TH.—By pushing close reconnoissances, the engineer officers have seen at least 50 guns in the enemy's works. Of these, 83 are on water-front and looking down York River, of which 23 will bear on our battery No. 1. The remainder, 17 guns, are on land-front. There are probably more, which are masked by sand bags.

FRIDAY, APRIL 18TH.—Batteries 1, 2, 3, 6, and 7 laid out, and ground broken in Nos. 1, 2, 3, and

6. At daylight working party in No. 1 well covered in; No. 2 less advanced; No. 3 progressed far enough to shelter men; No. 6 raised to height of sole of embrasures.

SATURDAY, APRIL 19TH.—Col. Hunt, commanding artillery reserve, ordered to detail a 20-pounder Parrott battery for battery No. 3, to occupy it after dark to-night. Also ordered to detail 54 harnessed horses to haul the 100-pounders into No. 1; the work to be continued all night. Platforms laid and magazine completed in No. 1, and all preparations made for mounting guns. Rain for past twenty-four hours, and ground soft and slippery, and altogether unfavorable for heavy work.

MONDAY, APRIL 21ST.—Batteries 4 and 5 commenced. The officers and cannoneers of Randall's and De Russy's batteries making gabions and fascines, under Brig.-Gen. Woodbury; cannoneers of Lieut.-Col. Brickel's brigade, under Major Arndt, revetted the embrasures of battery No. 7 with gabions, and finished the battery generally; Ames's battery (A, Fifth artillery) in position in battery No. 7, relieving Diedrich's, First battalion New-York artillery; 100 horses hauling siege-guns to batteries 3 and 6.

Battery No. 1.—Received from dépôt 4 100-pounder Parrotts, 250 shell, 50 shot, and implements; 5 100-pounders mounted; this battery now fully ready for service.

Battery No. 3.—Received from dépôt 4 4½-inch siege-guns and platforms; 2 platforms laid.

Battery No. 6.—Received from dépôt 6 4½-inch siege-guns and platforms. The artillerymen excavated the terre-plein to the depth of fourteen inches, and commenced to lay platforms. A vessel has arrived at Cheeseman's Landing with 13-inch mortars, number not known. Arrangements are made to receive these mortars when hoisted out of the vessel, and when the present heavy weather abates, to tow them around to the immediate vicinity of the battery in which they are to be placed in position. It will be necessary to ask the assistance of the Navy to hoist them out of the transport. I respectfully request that this assistance be asked for.

APRIL 22D.—Batteries Nos. 1, 2, 3, and 6 are now ready for service, and are fully supplied with implements and ammunition to the full capacity of the magazines. The vessel with 5 30-pounder guns has arrived, and a detachment is now discharging her. The guns will be disembarked by three or four o'clock, and if the road is repaired at that time, they will be at once hauled out to battery No. 2. Another detachment is at work on the 13-inch mortars; blocks and tackle for handling them have arrived.

APRIL 22D, P.M.—The usual detail of cannoneers of two batteries for instruction in the manufacture of gabions, fascines, etc.; harnessed horses furnished for transportation of siege-guns; 90 barrels of powder transported from landing to dépôt.

Battery No. 1.—Two hundred and fifty cartridges supplied for 100-pounder guns; magazine arranged and drains constructed.

Battery No. 2.—Five platforms for siege-guns laid; 50 rounds of canister and 500 cartridges supplied, and implements and equipments complete for 5 4½-inch guns. This battery is now ready for service.

Battery No. 6.—Platforms for 5 4½-inch guns laid, and the guns put in position. The following ammunition was placed in the magazine of this battery: 600 cartridges, 300 shot, 300 shell, 100 case, 50 canister. Implements and equipments also supplied. Battery now ready for service.

I would respectfully recommend that strong infantry supports be now placed in position in the immediate vicinity of batteries 1, 2, 3, 5, and 6. Batteries 3 and 6 being particularly exposed to sorties of the enemy, should be more than usually well supported, and I would therefore recommend for each of them a section of light artillery, in connection with the infantry supports.

APRIL 23D.—**Battery No. 1.**—No change, except oiling guns and carriages, and finishing drains in and about the battery.

Battery No. 2.—Five platforms laid, and the battery supplied with the following ammunition: 250 4½-inch shot, 350 4½-inch shell, 100 case shot.

Battery No. 6.—Same as battery No. 1. The following material was landed from transports and hauled to the dépôt: 42 10-inch carcasses, 16 hand-barrows, 3 platforms. One 13-inch mortar was transferred from transport to canal-boat, which is to carry it up Wormley Creek. A detachment is ordered to work all night, to complete the transfer of the remaining 4 mortars. The whole number will be ready to be towed into position to-morrow night. Another detachment is ordered to work all night, disembarking 5 30-pounders.

APRIL 24TH.—One hundred and seventy 30-pounder shell, 10 30-pounder shot, 33 shell with "Greek-fire," 48 8-inch carcasses, 26 10-inch carcasses, transported from landing to dépôt; 5 30-pounder Parrott guns transported from landing to Battery No. 2.

Battery No. 2.—Five 30-pounder Parrott guns placed in position; 6 platforms laid, and 500 rounds 30-pounder ammunition placed in magazine. This battery is now ready for service.

Eight 18-inch seacoast-mortars were transferred from the transport to canal-boats, and will to-night, at high-tide, be towed into Wormley Creek. Two 13-inch mortars and 1 200-pounder Parrott gun will be transferred to-morrow, and, weather permitting, will also be towed into the creek.

A quantity of 10-inch shell and 100-pounder Parrott projectiles are being landed from transports.

Battery No. 5.—Six platforms laid. The guns will be in position to-night, and by daybreak ready for service.

APRIL 25TH, 9 A.M.—The 5 30-pounder Parrotts were placed in position in Battery No. 2 last night. Ammunition supplied for the 15 guns of that battery, and the guns transferred to their

proper platforms, that is, 5 20-pounders left branch; next in order, 5 30-pounders; and next, 5 4½-inch guns. Finishing work is now being done, but the battery is now ready for immediate service. Eight 13-inch seacoast-mortars, with a quantity of shells, were towed out of Cheeseman's Creek last night, *en route* for Wormley Creek. Upon arriving at the fleet, it was ascertained that the tide was beginning to ebb, and the officer detailed by me to superintend the work (Major Webb) was dissuaded by the pilot and Captain Missroon from attempting the passage. The canal-boats were therefore anchored beyond range of the enemy's guns and view, and they will be run in at eight o'clock to-night, together with the remaining mortars and 200-pounder.

APRIL 25TH, 9 P.M.—In consequence of the breaking of the blocks and falls procured from the navy, the transfer of mortars was necessarily delayed. Two 13-inch mortars and 1 200-pounder gun yet remain to be transhipped. Measures have been taken to procure from Fort Monroe lifting materials of adequate strength.

Six hundred 30-pounder shell and 400 30-pounder shot were transferred from landing to dépôt. One large sling-cart, lifting-jack, and ropes were taken to Battery No. 4, in readiness for 13-inch mortars. Eight 13-inch mortars are to be brought into Wormley Creek to-night, at high-tide, (eight P.M.) and will be moved up to Battery No. 4 early to-morrow morning.

APRIL 26TH, 9 A.M.—Two of the barges containing 8 13-inch mortars, were successfully taken into Wormley Creek this morning. The remaining barge, loaded with 13-inch mortar shells is hopelessly aground, and will have to be discharged, and I have to request that the Engineer Department be ordered to furnish Col. Tyler with pontoons for this purpose. No change reported in any of the batteries.

APRIL 26TH, 9 P.M.—Two canal-boats containing 8 13-inch mortars and 9 beds were brought into Wormley Creek in readiness to be taken up to their position at high-tide, (half-past eight to-night.) Major Webb left Cheeseman's Creek at five o'clock this afternoon in charge of two canal-boats containing 2 13-inch mortars, 1 bed, and 1 200-pounder gun with chassis, carriages and platform. They will be brought into Wormley Creek at high-tide to-night. The following was landed from transports at Cheeseman's Landing and transported thence to dépôt; 130 10-inch shell; 23 10-inch carcasses; 7 8-inch carcasses; 170 30-pounder shot; 400 30-pounder shell.

Battery No. 1.—Ten shell from the large gun at Yorktown and two from Gloucester Point, were fired this morning at a canal-boat ashore about 350 feet in front of the battery. Fragments of these shells struck the battery in several places. The projectile appears about 7-inch calibre and about 1½ inch thick.

Battery No. 2.—The working party asked for this morning, to complete the road in rear of the battery, did not report. The application is renewed for to-morrow, as the work is deemed to be of importance.

Batteries Nos. 3, 5, and 6.—No change.

Battery No. 4.—Preparations made for landing and mounting 13-inch mortars. The roads to and from Cheeseman's Creek, are again getting bad, and require immediate attention.

APRIL 27TH, A.M.—The 200-pounder Parrott and the remaining 2 13-inch mortars were successfully brought into Wormley Creek just at daybreak this morning. Great credit is due my assistant Major Webb for this work. It was by his energy, perseverance, and coolness during the greater portion of forty-eight hours almost continuous labor—for nearly two hours of which he was under the enemy's fire of shot and shell, that the great difficulties attending the movement of this exceedingly heavy material were overcome.

I have given orders to Colonel Tyler (who has already entered upon the execution of them) to mount and place in position the mortars and 200-pounder. I have no change to report in any of the batteries.

APRIL 27TH, P.M.—One hundred and twenty-five barrels of powder were to-day hauled from Cheeseman's Landing to the siege-dépôt. The roads to and from the landing are now so bad that it is utterly impossible to bring more than light loads over them. I earnestly request that a strong working party be detailed at once for its repairs. The road in rear of Battery No. 2 is still unfinished. I beg to repeat my application of yesterday and of the day before, that a party be detailed to complete it.

APRIL 28TH.—Battery No. 1.—Platform for 200-pounder laid, chassis, upper carriage, and gun mounted.

Battery No. 2.—Gabion revetment of embrasures faced with green hides, approaches to magazine improved and splinter-proofs constructed over entrance to same. This battery was much fired at by the enemy to-day; one shell struck in the battery and burst; no casualties.

Battery No. 3.—Platforms completed, guns placed in position, and magazine filled. Several shots were fired at this battery by the enemy; one shell struck full in the exterior slope of the parapet, and knocked out two or three feet of earth.

Battery No. 4.—Four platforms for 13-inch mortars laid, and 2 mortars transferred from barge to battery.

Battery No. 5.—No change. This battery was to-day much fired at by the enemy; the firing was however extremely wild; the enemy being apparently uncertain of the true position of the battery.

Battery No. 6.—No change.

Battery No. 9.—This battery is not yet ready for its platforms; 6 10-inch mortars and beds, 15 platforms, and 708 shell were hauled to it from dépôt.

Cheeseman's Landing.—Four companies of First Connecticut artillery relieved by two companies Fifth New-York volunteers. The discharging of the vessel loaded with 10-inch shell was completed. The vessel on which are the 10-inch

seacoast-mortars, drawing so much water as to be unable to get to the wharf until high-water; no mortars were discharged.

APRIL 29TH.—*Battery No. 1.*—The mounting of the 200-pounder completed.

Battery No. 2.—Supplied with mantlets for fifteen embrasures. The work on the road continued.

Battery No. 3.—Supplied with mantlets for three embrasures.

Battery No. 4.—Four 18-inch mortars and three beds landed, and two platforms laid.

Battery No. 5.—No change.

Battery No. 6.—Six platforms for siege-guns taken up and removed to battery No. 10.

Battery No. 9.—Garrisoned by two companies of First Connecticut artillery, and four 10-inch mortars, 384 10-inch shell and material for ten platforms hauled in.

Battery No. 10.—Garrisoned by one company of the Fifth New-York. Materials hauled in for four platforms, one platform laid, and two ditto, partly finished.

Battery No. 11.—Garrisoned by one company, Fifth New-York; getting out timber and hewing the same for seacoast-mortar platforms.

Cheeseman's Landing.—Platform material, 20-pounder Parrott guns and a large quantity of shell landed.

APRIL 30TH.—*Battery No. 1.*—Opened fire at two o'clock P.M. with the five 100-pounders and one 200-pounder; the fire was first directed at the wharf at Yorktown, where the enemy were busily engaged discharging six or seven schooners; the vessels were soon driven off; the enemy's large barbette gun was directed upon us at intervals of fifteen or twenty minutes; two of the 100-pounders were turned in that direction with good apparent effect; the fire of the 200-pounder was directed upon the vessels, which after leaving Yorktown wharf, took refuge behind Gloucester Point. This fire was very effective. The enemy's fire was well directed; but the protection afforded by the battery effectual, and their fire caused us no casualties; Battery No. 1 gives us complete control of the enemy's water-batteries and wharves, and Gloucester. The expenditure was as follows, namely:

Solid shot—5 from 200-pounder, one from 100-pounder; shell (percussion) 16, all from 100-pounder; shell (time-fuse) 13, all from 100-pounder; shell filled with Greek-fire—4.

The performance of the guns was excellent as was also that of the iron carriages and chassis. Most of the percussion-shell failed to explode, and no observable effect was produced by the Greek-fire.

Batteries Nos. 2, 3 and 5.—No change.

Battery No. 4.—One mortar transferred from barge and two mortars mounted and now ready for service. A third mortar was being mounted, when the blocks broke, and further work was delayed for repairs; 815 shell were placed in the battery.

Battery No. 6.—Six 4½ inch guns removed to battery No. 10.

Battery No. 10.—Six platforms for 4½-inch guns laid, and six guns placed in position; one platform for 100-pounder hauled to the battery.

Battery No. 11.—Materials for platforms supplied.

Cheeseman's Landing.—The following material was landed: 3 10-inch seacoast-mortars; 3 10-inch seacoast mortar-beds; 4 20 pounder Parrott guns and carriages; 4 Whitworth guns; 15 18 inch shell, with Greek-fire; a quantity of platforms, implements, etc.

I beg to urge the necessity of immediate further repairs upon the road near Cheeseman's Landing, and in front of General Hooker's division, (Yorktown road.) It is impossible to haul heavy guns over that portion of the road.

MAY 1st, 1862.—*Battery No. 1.*—A few shots were fired this afternoon at Yorktown wharf, with what effect, is not known, as the fog was thick. Fire at the rate of one shot per hour was maintained at this battery all night, to prevent the enemy's transports, which were driven away yesterday afternoon, from returning to discharge their freight under cover of darkness. Some of the pintle-blocks have started. Repairs will be made at once.

Battery No. 2.—No change; a working party of eighty or one hundred men is needed to complete the road.

Batteries Nos. 3 and 5.—No change.

Battery No. 4.—Two more mortars mounted; 3 more mortars discharged; 5 beds discharged, and 4 platforms laid.

Battery No. 6.—Six 4½-inch guns and ammunition sent to battery No. 10.

Battery No. 9.—Not yet ready for platforms, and the magazine not yet completed.

Battery No. 10.—Garrisoned by two companies of Fifth New York volunteers; 6 platforms laid for 4½-inch guns, and the 6 guns placed in position ready for service; magazine supplied with 100 rounds per gun for 6 guns; one 100-pounder platform laid, and material hauled in for two more.

Battery No. 11.—Material got out, of hewn timber for foundations for four 10-inch seacoast mortar platforms; magazine nearly completed.

Battery No. 12.—Garrisoned by one company Fifth New York volunteers; five 10-inch siege-mortars hauled in and platforms for same; magazine not yet finished.

Battery No. 13.—Not yet ready for its garrison.

Battery No. 14.—Reported ready for its garrison to-night; one company First Connecticut artillery detailed, and platforms will be laid to-morrow.

Cheeseman's Landing.—Four 20-pounders; 4 Whitworth guns, and 5 platforms for 100-pounders, landed and sent up to dépôt; four 10-inch seacoast mortars landed, and a large quantity of shot, shell and implements sent from landing to dépôt.

MAY 2d, 1862.—*Battery No. 1.*—Repairs made to the platforms; sixty shot and shell fired at the enemy's wharf and water-battery, with apparent

good effect. The long-range gun in the enemy's high bastion is believed to have burst.

Battery No. 2.—Mantlets put up in embrasures; one 4½-inch gun transferred to Battery No. 10.

Batteries 3, 5 and 6.—No change.

Battery No. 4.—Three 13-inch mortars, and 3 beds disembarked; 4 platforms laid and 3 mortars mounted.

Battery No. 9.—Six platforms laid; 6 10-inch siege-mortars mounted.

Battery No. 10.—Three platforms for 100-pounders laid; 3 chassis and 3 carriages for 100-pounders in position.

Battery No. 11.—Four platforms for 10-inch seacoast-mortars laid; 90 shell received.

Battery No. 12.—Five platforms for siege-mortars laid, and 2 10-inch mortars placed in position.

Battery No. 13.—Not yet ready.

Battery No. 14.—Platforms for 2 100-pounders carried into battery; three chassis and three upper carriages for ditto received; 2 8-inch mortars; 100 shell, and 8 barrels of gunpowder, and implements and equipments for same, sent to headquarters of General Smith.

Cheeseman's Landing.—Six chassis for 100-pounder guns; 6 carriages for ditto, landed and sent to dépôt. Large quantities of implements, ammunition and ordnance-stores landed and sent to dépôt. I have again most urgently to request that a strong working-party be sent to complete the road in rear of No. 2.

MAY 3D, 1862.—*Battery No. 1.*—Thirty-four shot and shell fired at "big-gun bastion" and water-battery, with very good effect at the latter.

Battery No. 2.—Completed the setting up of the mantlets. A working-party on the road from 12 M. to 5 P.M.

Battery No. 3.—Completed setting up of mantlets; 1 20-pounder platform laid, and 1 additional 20-pounder Parrott gun placed in position.

Battery No. 4.—This battery was entirely completed; platforms all laid and mortars all mounted at nine o'clock A.M.; one hundred barrels of powder placed in magazine, and implements and equipments supplied. The battery is now ready for service.

Battery No. 5.—Two additional 20-pounder guns placed in position.

Battery No. 6.—Supplied with platforms and with 634 10-inch shell.

Battery No. 9.—Supplied with 25 barrels of powder, and implements and equipments. This battery is now ready for service.

Battery No. 10.—Laying platforms for 100-pounder, and placing chassis and carriage for ditto in position. Two badly directed shots from No. 1 dropped shells into this battery to-day, of which one exploded, fortunately without injury to any one.

Battery No. 11.—Remaining platforms laid and ready for mortars; magazine completed; two beds and 1 10-inch seacoast-mortar hauled in and placed in position; 100 more shells received;

25 barrels of powder placed in magazine, with implements, equipments, etc. This battery will be fully ready for service in twelve hours more.

Battery No. 12.—Remaining platforms laid, and the mortars all mounted and placed in position; magazine completed and supplied with powder, fuses, implements and equipments. This battery is now fully ready for service.

Battery No. 13.—Engineers' work not yet completed; armament, garrison and all artillery equipment and supply in waiting. The battery can be made ready for service in six hours after the engineers turn it over to the artillery.

Battery No. 14.—Platforms laid for 3 100-pounder Parrotts, and the chassis and upper carriages placed in position and mounted. The guns and ammunition will be hauled in to-day, the guns mounted to-night, and the battery will be ready for service at daylight to-morrow morning.

MAY 4TH, 1862.—The enemy evacuated the place during the night, and the United States troops took possession at daylight.

The difficulties attending the placing in position the unusually heavy material used in this siege, were very much increased by the peculiarities of the soil, and by the continuance of heavy rains during the greater portion of the operations. Oftentimes the heavier guns, in their transportation of three miles from the landing to the batteries, would sink in the quicksands to the axletrees of their travelling carriages.

The efforts of the best-trained and heaviest of the horses of the artillery reserve were of no avail in the attempts to extricate them, and it became necessary to haul this heavy metal by hand, the cannoneers working knee-deep in mud and water. In these labors the officers and men of the First Connecticut artillery and the Fifth New-York volunteers exhibited extraordinary perseverance, alacrity, and cheerfulness. It finally became necessary to construct a heavy corduroy road, wide enough for teams to pass each other, the whole distance from the landing to the dépôt.

Whenever it was practicable to use horses, they were promptly supplied by Col. Hunt, from the batteries of the artillery reserve, under his command.

At the suggestion of Major-General McClellan, a number of rope mantlets, on the plan of those used by the Russians at Sebastopol, were constructed in New-York under the supervision of Col. Delafield, and were forwarded to me with great despatch. They were placed in the embrasures of Batteries 2 and 3, and would doubtless have fully answered the same good purpose which those of similar construction did at Sebastopol.

Although all of the batteries but two, (and they required but six hours more to be completed,) were fully ready for service when the enemy evacuated his works, circumstances permitted fire to be opened only from Battery No. 1.

The ease with which the 200 and 100-pounders of this battery were worked, the extraordinary

accuracy of their fire, and the since ascertained effects produced upon the enemy by it, force upon me the conviction that the fire of guns of similar calibre and power in the other batteries at much shorter ranges, combined with the cross-vertical fire of the 18 and 10-inch seacoast-mortars, would have compelled the enemy to surrender or abandon his works in less than twelve hours.

It will always be a source of great professional disappointment to me that the enemy, by his premature and hasty abandonment of his defensive line, deprived the artillery of the army of the Potomac of the opportunity of exhibiting the superior power and efficiency of the unusually heavy metal used in this siege, and of reaping the honor and just reward of their unceasing labors, day and night, for nearly one month.

In conclusion, I beg to present the names of Colonel Tyler, Majors Kellogg, Hemmingway and Trumbull, and Captains Perkins and Burke, First Connecticut artillery; Major Alexander Doull, Second New-York artillery; Col. Warren, Lieut.-Col. Duryea, Major Hull, and Captain Winslow, Fifth New-York volunteers, as conspicuous for intelligence, energy, and good conduct under fire.

My assistant, Major Webb, (Captain Eleventh United States infantry,) and my aids-de-camp, First Lieut. John E. Marshall, Second New-York artillery, and First Lieut. A. G. Verplanck, Sixty-fifth regiment New-York volunteers, carried my orders, day and night, frequently under fire, with promptness and good judgment. The conduct of Major Webb, in running the 18-inch seacoast-mortars, with their material and ammunition, into the mouth of Wormley Creek, under the fire of the enemy, was particularly conspicuous for perseverance, and great coolness, and gallantry.

The services of several artillery officers were valuably employed in superintending the construction of gun and mortar-batteries, magazines, splinter proofs, traverses, fascines, and gabions. As they were under the exclusive orders of General Barnard, Chief Engineer, I leave it for him to bring their names and services to the notice of the Major-General Commanding.

I am, General, very respectfully, your obedient servant,

WILLIAM F. BARRY,
Brigadier-General, Chief of Artillery.

(Doc. 46.)

CONSCRIPTION LAW.

AN ACT FOR ENROLLING AND CALLING OUT THE NATIONAL FORCES, AND FOR OTHER PURPOSES.*

Whereas, There now exist in the United States an insurrection and rebellion against the authority thereof, and it is, under the Constitution of the United States, the duty of the Government to suppress insurrection and rebellion, to guarantee to each state a republican form of government, and to preserve the public tranquillity; and

whereas, for these high purposes, a military force is indispensable, to raise and support which all persons ought willingly to contribute; and *whereas*, no service can be more praiseworthy and honorable than that which is rendered for the maintenance of the Constitution and Union, and the consequent preservation of free government: therefore,

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all able-bodied male citizens of the United States, and persons of foreign birth, who have declared on oath their intention to become citizens under and in pursuance of the laws thereof, and who have exercised the right of suffrage in any State, between the ages of twenty and forty-five years, except as hereinafter excepted, are hereby declared to constitute the national forces, and shall be liable to perform military duty in the service of the United States when called out by the President for that purpose.

SEC. 2. *And be it further enacted*, That the following persons be, and they are hereby excepted and exempt from the provisions of this act, and shall not be liable to military duty under the same, to wit: Such as are rejected as physically or mentally unfit for the service; also, first, the Vice-President of the United States, the Judges of the various Courts of the United States, the heads of the various Executive Departments of the Government, and the Governors of the several States; second, the only son, liable to military duty, of a widow, dependent upon his labor for support; third, the only son of aged or infirm parent or parents dependent upon his labor for support; fourth, where there are two or more sons of aged or infirm parents subject to draft, the father, or if he be dead, the mother may elect which son shall be exempt; fifth, the only brother of children not twelve years old, having neither father nor mother, and dependent upon his labor for support; sixth, the father of motherless children under twelve years of age, dependent upon his labor for support; seventh, where there are a father and sons in the same family and household, and two of them are in the military service of the United States as non-commissioned officers, musicians, or privates, the residue of such family and household, not exceeding two, shall be exempt; and no persons but such as are herein excepted shall be exempt; *Provided, however*, That no person who has been convicted of any felony shall be enrolled or permitted to serve in said forces.

SEC. 3. *And be it further enacted*, That the national forces of the United States, not now in the military service, enrolled under this act, shall be divided into two classes, the first of which shall comprise all persons subject to do military duty between the ages of twenty and thirty-five years, and all unmarried persons subject to do military duty above the age of thirty-five and under the age of forty-five; the second class shall comprise all other persons subject to do military duty, and they shall not, in any district, be called

* Passed by the House of Representatives February twenty-second and by the Senate February twenty-eighth, 1862.

into the service of the United States until those of the first class shall have been called.

SEC. 4. *And be it further enacted*, That for greater convenience in enrolling, calling out and organizing the national forces, and for the arrest of deserters and spies of the enemy, the United States shall be divided into districts, of which the District of Columbia shall constitute one, each Territory of the United States shall constitute one or more, as the President shall direct, and each Congressional district of the respective States, as fixed by a law of the State next preceding the enrolment, shall constitute one: *Provided*, That in States which have not by their laws been divided into two or more Congressional districts, the President of the United States shall divide the same into so many enrolment districts as he may deem fit and convenient.

SEC. 5. *And be it further enacted*, That for each of said districts there shall be appointed by the President a Provost-Marshal, with the rank, pay, and emoluments of a captain of cavalry, or an officer of said rank shall be detailed by the President, who shall be under the direction and subject to the orders of a Provost-Marshal General, appointed or detailed by the President of the United States, whose office shall be at the seat of Government, forming a separate bureau of the War Department, and whose rank, pay, and emoluments shall be those of a colonel of cavalry.

SEC. 6. *And be it further enacted*, That it shall be the duty of the Provost-Marshal General, with the approval of the Secretary of War, to make rules and regulations for the government of his subordinates; to furnish them with the names and residences of all deserters from the army or any of the land forces in the service of the United States, including the militia, when reported to him by the commanding officers; to communicate to them all orders of the President in reference to calling out the national forces; to furnish proper blanks and instructions for enrolling and drafting; to file and preserve copies of all enrolment lists; to require stated reports of all proceedings on the part of his subordinates; to audit all accounts connected with the service under his direction, and to perform such other duties as the President may prescribe in carrying out the provisions of this act.

SEC. 7. *And be it further enacted*, That it shall be the duty of the Provost-Marshals to arrest all deserters, whether regulars, volunteers, militiamen, or persons called into the service under this or any other act of Congress, wherever they may be found, and to send them to the nearest military commander or military post; to detect, seize, and confine spies of the enemy who shall, without unreasonable delay, be delivered to the custody of the general commanding the department in which they may be arrested, to be tried as soon as the exigencies of the service permit; to obey all lawful orders and regulations of the Provost-Marshal General, and such as may be prescribed by law, concerning the enrolment and calling into service of the national forces.

SEC. 8. *And be it further enacted*, That in

each of said districts there shall be a board of enrolment, to be composed of the Provost-Marshal, as president, and two other persons, to be appointed by the President of the United States, one of whom shall be a licensed and practising physician and surgeon.

SEC. 9. *And be it further enacted*, That it shall be the duty of the said board to divide the district into sub-districts of convenient size, if they shall deem it necessary, not exceeding two, without the direction of the Secretary of War, and to appoint, on or before the tenth day of March next, and in each alternate year thereafter, an enrolling officer for each sub-district, and to furnish him with proper blanks and instructions; and he shall immediately proceed to enroll all persons subject to military duty, noting their respective places of residence, ages on the first day of July following, and their occupation; and shall, on or before the first day of April, report the same to the board of enrolment, to be consolidated into one list, a copy of which shall be transmitted to the Provost-Marshal General on or before the first day of May succeeding the enrolment. *Provided, nevertheless*, That if, from any cause, the duties prescribed by this section cannot be performed within the time specified, then the same shall be performed as soon thereafter as practicable.

SEC. 10. *And be it further enacted*, That the enrolment of each class shall be made separately, and they shall only embrace those whose ages shall be on the first day of July thereafter between twenty and forty-five years.

SEC. 11. *And be it further enacted*, That all persons thus enrolled shall be subject, for two years after the first day of July succeeding the enrolment, to be called into the military service of the United States, and to continue in service during the present rebellion, not, however, exceeding the term of three years; and when called into service shall be placed on the same footing, in all respects, as volunteers for three years, or during the war, including advance pay and bounty as now provided by law.

SEC. 12. *And be it further enacted*, That whenever it may be necessary to call out the national forces for military service, the President is hereby authorized to assign to each district the number of men to be furnished by said district; and thereupon the enrolling board shall, under the direction of the President, make a draft of the required number, and fifty per centum in addition, and shall make an exact and complete roll of the names of the persons so drawn, and of the order in which they were drawn, so that the first drawn may stand first upon the said roll, and the second may stand second, and so on. And the persons so drawn shall be notified of the same within ten days thereafter by a written or printed notice, to be served personally or by leaving a copy at the last place of residence, requiring them to appear at a designated rendezvous, and report for duty. In assigning to the districts the number of men to be furnished therefrom, the President shall take into consideration the number of

volunteers and militia furnished by and from the several States, for the service of the United States, in which said districts are situated, and the period of their service since the commencement of the present rebellion, and shall so make said assignment as to equalize the numbers among the districts of the several States, considering and allowing for the numbers already furnished as aforesaid, and the time of their service.

SEC. 13. *And be it further enacted*, That any person drafted and notified to appear as aforesaid, may, on or before the day fixed for his appearance, furnish an acceptable substitute to take his place in the draft, or he may pay to such person as the Secretary of War may authorize to receive it, such sum, not exceeding three hundred dollars, as the Secretary of War may determine, for the procuration of such substitute, which sum shall be fixed at a uniform rate by a general order made at the time of ordering a draft for any State or Territory; and thereupon such person so furnishing the substitute or paying the money shall be discharged from further liability under that draft; and any person failing to report after due service of notice as herein prescribed, without furnishing a substitute or paying the required sum therefor, shall be deemed a deserter, and shall be arrested by the Provost-Marshal and sent to the nearest military post for trial by court-martial; unless, upon proper showing that he is not liable to do military duty, the board of enrolment shall relieve him from the draft.

SEC. 14. *And be it further enacted*, That all drafted persons shall, on arriving at the rendezvous, be carefully inspected by the surgeon of the board, who shall truly report to the board the physical condition of each one; and all persons drafted and claiming exemption from military duty on account of disability, or any other cause, shall present their claims to be exempted to the board, whose decision shall be final.

SEC. 15. *And be it further enacted*, That any surgeon charged with the duty of such inspection, who shall receive from any person whomsoever, any money or other valuable thing, or agree directly or indirectly to receive the same to his own or another's use for making an imperfect inspection or a false or incorrect report, or who shall wilfully neglect to make a faithful inspection and true report, shall be tried by a court-martial, and, on conviction thereof, be punished by fine not exceeding five hundred dollars nor less than two hundred, and be imprisoned at the discretion of the Court, and be cashiered and dismissed from the service.

SEC. 16. *And be it further enacted*, That as soon as the required number of able-bodied men liable to do military duty shall be obtained from the list of those drafted, the remainder shall be discharged; and all drafted persons reporting at the place of rendezvous shall be allowed travelling pay from their places of residence; and all persons discharged at the place of rendezvous shall be allowed travelling pay to their places of residence; and all expenses connected with the enrolling and draft, including subsistence while at

the rendezvous, shall be paid from the appropriation for enrolling and drafting, under such regulations as the President of the United States shall prescribe; and all expenses connected with the arrest and return of deserters to their regiments, or such other duties as the Provost-Marshal shall be called upon to perform, shall be paid from the appropriation for arresting deserters under such regulations as the President of the United States shall prescribe: *Provided*, The Provost-Marshal shall in no case receive commutation for transportation or for fuel and quarters, but only for forage, when not furnished by the Government, together with actual expenses of postage, stationery, and clerk-hire authorized by the Provost-Marshal General.

SEC. 17. *And be it further enacted*, That any person enrolled and drafted according to the provisions of this act who shall furnish an acceptable substitute, shall thereupon receive from the board of enrolment a certificate of discharge from such draft, which shall exempt him from military duty during the time for which he was drafted, and such substitute shall be entitled to the same pay and allowances provided by law as if he had been originally drafted into the service of the United States.

SEC. 18. *And be it further enacted*, That such of the volunteers and militia now in the service of the United States as may reenlist to serve one year, unless sooner discharged, after the expiration of their present term of service, shall be entitled to a bounty of \$50, one half of which to be paid upon such reenlistment, and the balance at the expiration of the term of reenlistment. And such as may reenlist to serve for two years, unless sooner discharged, after the expiration of their present term of enlistment, shall receive, upon such reenlistment, \$25 of the \$100 bounty for enlistment, provided by the fifth section of the act approved 22d of July, 1861, entitled, "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property."

SEC. 19. *And be it further enacted*, That whenever a regiment of volunteers of the same arm, from the same State, is reduced to one half of the maximum number prescribed by law, the President may direct the consolidation of the companies of such regiment: *Provided*, That no company so formed shall exceed the maximum number prescribed by law. When such consolidation is made, the regimental officers shall be reduced in proportion to the reduction in the number of companies.

SEC. 20. *And be it further enacted*, That whenever a regiment is reduced below the minimum number allowed by law, no officers shall be appointed in such regiment beyond those necessary for the command of such reduced number.

SEC. 21. *And be it further enacted*, That so much of the fifth section of the act approved 17th July, 1862, entitled, "An act to amend an act calling forth the militia to execute the laws of the Union," and so forth, as requires the approval of the President to carry into execution the sen-

tence of a court-martial, be, and the same is hereby, repealed, as far as relates to carrying into execution the sentence of any court-martial against any person convicted as a spy or deserter, or of mutiny or murder; and hereafter sentences in punishment of these offences may be carried into execution upon the approval of the commanding general in the field.

SEC. 22. *And be it further enacted*, That courts-martial shall have power to sentence officers who shall absent themselves from their commands without leave, to be reduced to the ranks to serve three years or during the war.

SEC. 23. *And be it further enacted*, That the clothes, arms, military outfits, and accoutrements furnished by the United States to any soldier, shall not be sold, bartered, exchanged, pledged, loaned, or given away; and no person not a soldier, or duly authorized officer of the United States, who has possession of any such clothes, arms, military outfits, or accoutrements furnished as aforesaid, and which have been the subjects of any such sale, barter, exchange, pledge, loan, or gift, shall have any right, title, or interest therein; but the same may be seized and taken wherever found by any officer of the United States, civil or military, and shall thereupon be delivered to any quartermaster or other officer authorized to receive the same; and the possession of any such clothes, arms, military outfits, or accoutrements by any person not a soldier or officer of the United States shall be *prima facie* evidence of such a sale, barter, exchange, pledge, loan, or gift as aforesaid.

SEC. 24. *And be it further enacted*, That every person not subject to the rules and articles of war who shall procure or entice, or attempt to procure or entice, a soldier in the service of the United States to desert, or who shall harbor, conceal, or give employment to a deserter, or carry him away, or aid in carrying him away, knowing him to be such, or who shall purchase from any soldier his arms, equipments, ammunition, uniform, clothing, or any part thereof; and any captain or commanding officer of any ship or vessel, or any superintendent or conductor of any railroad, or any other public conveyance, carrying away any such soldier as one of his crew or otherwise, knowing him to have deserted, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined, at the discretion of the court having cognizance of the same, in any sum not exceeding five hundred dollars, and he shall be imprisoned not exceeding two years, nor less than six months.

SEC. 25. *And be it further enacted*, That if any person shall resist any draft of men enrolled under this act into the service of the United States, or shall counsel or aid any person to resist any such draft, or shall assault or obstruct any officer in making such draft, or in the performance of any service relating thereto, or shall counsel any person to assault or obstruct any such officer, or shall counsel any drafted men not to appear at the place of rendezvous, or wil-

fully dissuade them from the performance of military duty as required by law, such person shall be subject to summary arrest by the Provost-Marshal, and shall be forthwith delivered to the civil authorities, and upon conviction thereof, be punished by a fine not exceeding five hundred dollars, or by imprisonment, not exceeding two years, or by both of said punishments.

SEC. 26. *And be it further enacted*, That, immediately after the passage of this act, the President shall issue his proclamation, declaring that all soldiers now absent from their regiments without leave, may return within a time specified, to such place or places as he may indicate in his proclamation, and be restored to their respective regiments without punishment, except the forfeiture of their pay and allowances during their absence; and all deserters who shall not return within the time so specified by the President, shall, upon being arrested, be punished as the law provides.

SEC. 27. *And be it further enacted*, That depositions of witnesses residing beyond the limits of the State, territory, or district in which military courts shall be ordered to sit, may be taken in cases not capital by either party, and read in evidence, provided the same shall be taken upon reasonable notice to the opposite party, and duly authenticated.

SEC. 28. *And be it further enacted*, That the judge-advocate shall have power to appoint a reporter, whose duty it shall be to record the proceedings of and testimony taken before military courts, instead of the judge-advocate; and such reporter may take down such proceedings and testimony in the first instance in short-hand. The reporter shall be sworn or affirmed faithfully to perform his duty before entering upon it.

SEC. 29. *And be it further enacted*, That the court shall, for reasonable cause, grant a continuance to either party for such time and as often as shall appear to be just: *Provided*, That if the prisoner be in close confinement, the trial shall not be delayed for a period longer than sixty days.

SEC. 30. *And be it further enacted*, That in time of war, insurrection, or rebellion, murder, assault and battery, with an intent to kill, manslaughter, mayhem, wounding by shooting or stabbing, with an intent to commit murder, robbery, arson, burglary, rape, assault and battery, with an intent to commit rape, and larceny, shall be punishable by the sentence of a general court-martial or military commission when committed by persons who are in the military service of the United States, and subject to the articles of war; and the punishments for such offences shall never be less than those inflicted by the laws of the State, territory, or district in which they may have been committed.

SEC. 31. *And be it further enacted*, That any officer absent from duty with leave, except from sickness or wounds, shall, during his absence, receive half of the pay and allowances prescribed by law, and no more; and any officer absent without leave, shall, in addition to the penalties

prescribed by law or a court-martial, forfeit all pay or allowances during such absence.

Sec. 32. *And be it further enacted*, That the commanders of regiments and of batteries in the field are hereby authorized and empowered to grant furloughs for a period not exceeding thirty days at any one time to five per centum of the non-commissioned officers and privates, for good conduct in the line of duty, and subject to the approval of the commander of the forces of which such non-commissioned officers and privates form a part.

Sec. 33. *And be it further enacted*, That the President of the United States is hereby authorized and empowered, during the present rebellion, to call forth the national forces by draft in the manner provided for in this act.

Sec. 34. *And be it further enacted*, That all persons drafted under the provisions of this act shall be assigned by the President to military duty in such corps, regiments, or other branches of the service as the exigencies of the service may require.

Sec. 35. *And be it further enacted*, That hereafter details to special service shall only be made with the consent of the commanding officer of forces in the field; and enlisted men, now or hereafter detailed to special service, shall not receive any extra pay for such service beyond that allowed to other enlisted men.

Sec. 36. *And be it further enacted*, That general orders of the War Department, numbered one hundred and fifty-four and one hundred and sixty-two, in reference to enlistments from the volunteers into the regular service, be, and the same are hereby, rescinded. And hereafter no such enlistments shall be allowed.

Sec. 37. *And be it further enacted*, That the grades created in the cavalry forces of the United States by section eleven of the act approved 17th July, 1862, and for which no rate of compensation has been provided, shall be paid as follows, to wit: Regimental commissary the same as regimental quartermaster; chief trumpeter the same as chief bugler; the saddler sergeant the same as regimental commissary sergeant; company commissary sergeant the same as company quartermaster's sergeant: *Provided*, That the grade of supernumerary second lieutenant and two teamsters for each company, and one chief farrier and blacksmith for each regiment, as allowed by said section of that act, be, and they are hereby, abolished; and each cavalry company may have two trumpeters, to be paid as buglers; and each regiment shall have one veterinary surgeon, with the rank of a regimental sergeant-major, whose compensation shall be seventy-five dollars per month.

Sec. 38. *And be it further enacted*, That all persons who in time of war or of rebellion against the supreme authority of the United States, shall be found lurking or acting as spies in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be triable by a general

court-martial or military commission, and shall, upon conviction, suffer death.

Doc. 47.

THE BATTLE OF GLENDALE, VA.

REPORT OF MAJOR-GENERAL HEINTZELMAN.

HEADQUARTERS THIRD CORPS, ARMY OF THE POTOMAC, }
CAMP NEAR HARRISON'S BAR, VA., July 21, 1862. }

Gen. S. Williams, A. A. G., Headquarters:

GENERAL: I have the honor to make a report of the operations of my corps after the action of the twenty-fifth of June, and to include the battle of Glendale or Nelson's Farm.

On the night of the twenty-eighth of June I received orders to withdraw the troops of my corps from the advanced position they had taken on the twenty-fifth of June, and to occupy the intrenched lines about a mile in rear. About sunrise the next day our troops slowly fell back to the new position, cautiously followed by the enemy, taking possession of our camps as soon as we left them. A map was sent me, showing the positions Gen. Sumner's and Gen. Franklin's corps would occupy.

From some misapprehension, General Sumner held a more advanced position than was indicated on the map furnished me, thus leaving a space of about three fourths of a mile between the right of his corps and Gen. Smith's division of General Franklin's corps.

The night of the twenty-seventh of June I was sent for to general headquarters, and was there informed of the determination to change our base of operations to James River.

I returned to my headquarters at Savage's Station, where I remained on the twenty-eighth and the twenty-ninth, urging the artillery and wagons across the railroad. I had another crossing prepared a short distance below, which much facilitated the operation. By half-past ten A.M. the second day all had passed.

At eleven A.M. on the twenty-ninth the enemy commenced an attack on Gen. Sumner's troops, a few shells falling within my lines. Late in the forenoon reports reached me that the rebels were in possession of Dr. Trent's house, only a mile and a half from Savage's. I sent several cavalry reconnoissances, and finally was satisfied of the fact. Gen. Franklin came to my headquarters, when I learned of the interval between his left and Gen. Sumner's right, in which space Dr. Trent's house is; also, that the rebels had repaired one of the bridges across the Chickahominy and were advancing.

About two P.M. General Smith's division commenced to appear in the large field to the north of Savage's, and in a few minutes he and Gen. Franklin rode up. I learned from them that the enemy was advancing in force, and of the necessity for Gen. Sumner to fall back to connect with Gen. Smith's left. I rode forward to see Gen. Sumner, and met his troops falling back on the Williamsburgh road, through my lines. General

Sumner informed me that he intended to make a stand at Savage's Station, and for me to join him to determine upon the position.

This movement of Gen. Sumner's uncovering my right flank, it became necessary for me to at once withdraw my troops. I directed General Kearny, who was on the left of the road, to fall back so soon as Gen. Sumner's troops were out of the way, and to be followed by Gen. Hooker's. I rode back to find Gen. Sumner. After some delay, from the mass of troops in the field, I found him, and learned that the course of action had been determined on—so returned to my command to give the necessary orders for the destruction of the railroad-cars, ammunition and provisions still remaining on the ground. Lieut. Norton, of my staff, with some cavalry, set fire to them.

The whole open space near Savage's was crowded with troops—more than I supposed could be brought into action judiciously. An Aid from the Commanding General had, in the morning, reported to me to point out a road across the White Oak Swamp, starting from the left of Gen. Kearny's position, and leading by Brackett's Ford. General Kearny, having also reconnoitred it, sent a portion of his division and his artillery by this road. Feeling it to be impossible for all the troops to retire by the roads leading by Savage's Station, I ordered the whole of my corps to take this road, with the exception of Osborn's and Bramhall's batteries. These, at Gen. Smith's request, I directed to report to him, as all his batteries had already retired. I beg to refer to Captain Osborn's report for the particulars of the gallant service rendered by those batteries that afternoon.

The road from General Kearny's left, across White Oak Swamp, soon forked, one going by Jourdan's Ford, another by Fisher's, and a third by Brackett's—the latter alone practicable for artillery. The first was occupied by a force of the enemy. After he was repulsed, Gen. Berry's brigade crossed by Fisher's Ford, and the rest of the troops by Brackett's. The advance of the column reached the Charles City road at half-past six P.M., and the rear at ten P.M., without accident. We found Gen. Sykes's troops holding the point at which the road terminated. Gen. Berry's brigade entered the Charles City road some distance in advance.

I repaired to general headquarters and reported, where I remained until the next morning, when I received instructions where to post my division.

In the morning, June thirtieth, I took and destroyed the bridge at Brackett's Ford, and gave orders to fell trees across that road, as well as to obstruct the Charles City road in the same manner.

After the Commanding General passed, on his way to James River, he sent back an Aid to inform me that Gen. Sedgwick's division was close in rear of my corps, with instructions to furnish me with reinforcements if needed.

The left of General Slocum's division was to extend to the Charles City road, at a point a short distance in front of the debouche of the Brackett's Ford road; Gen. Kearny's right to connect with Slocum's left, and to extend across the Long Bridge road, which branches some two miles in advance into the Central and New-market roads. Beyond this was to be General Hooker's division. The object was to cover the Quaker road, upon which our wagons and artillery were crossing to James River.

General Kearny's division took up a strong position, very favorable for an advance upon Richmond, but much too far forward for the object we had in view. After much difficulty, I got this division into its proper position. In the mean time, Gen. McCall's division took post to the left of the Long Bridge road, in communication with Gen. Kearny's left. General Hooker was then forced to move still further to the left, and connect with the left of General McCall. This is the reason why Gen. Hooker's division was not in its proper position. These delays brought it to the afternoon before Gen. Kearny's division was in position.

At one P.M. the enemy commenced a heavy artillery fire to the right—I afterwards learned at the White Oak Swamp bridge. There was also an attempt made to cross at Brackett's Ford, but it was repulsed by the troops I sent to destroy the bridge and obstruct the road.

At two P.M. Gen. Berry reported the enemy advancing in force on the Charles City road. At half-past three the attack was made down this road on General Slocum's left. His artillery kept the enemy in check.

About five P.M., perhaps a little earlier, Gen. McCall's division was attacked by the enemy in large force, evidently the principal attack. In less than an hour General McCall's division gave way. Gen. Hooker being on his left, by moving to the right, repulsed the rebels in the handsomest manner, and with great slaughter. Gen. Sumner, who was with General Sedgwick, in McCall's rear, also greatly aided with his artillery and infantry in driving back the enemy.

They now renewed their attack with vigor on General Kearny's left, and were again repulsed with heavy loss. The attack continued until some time after night. This attack commenced at four P.M., and was pushed by heavy masses, with the utmost determination and vigor. Capt. Thompson's battery, directed with great skill, firing double charges, swept them back. The whole open space, two hundred paces wide, was filled with the enemy. Each repulse brought fresh troops. The third attack was only repulsed by the rapid volleys and determined charge of the Sixty-third Pennsylvania, Colonel Hays, and half of the Thirty-seventh New-York volunteers.

When Gen. McCall's division gave way, as I felt satisfied that the attack on the Charles City road was not the serious one, I rode over to the open field in front of the house at Nelson's farm, where General Sumner had his headquarters, to

see for myself the situation of affairs, having previously ordered over Captain De Russey's battery to aid in checking the enemy.

General McCall's troops soon began to emerge from the woods into the open field. Several batteries were in position, and commenced firing into the woods, over the heads of the fugitives in front. I placed Captain De Russey's battery on the right of General Sumner's artillery, with orders to shell the woods. Gen. Berry's brigade was then advancing to meet the enemy, and soon drove him back. Other troops began to return from White Oak Swamp Bridge, where they had been sent earlier in the day, to sustain our defence of that point. Here, while looking on, I received a severe contusion on my left wrist, disabling my arm for several weeks.

Seeing that the enemy were giving way, I returned to the forks of the road, where I received a call from General Kearny for aid. Knowing that all General Sedgwick's troops were unavailable, I was glad to avail myself of the kind offer of Gen. Slocum to send the New-Jersey brigade of his division to General Kearny's aid.

I rode out far enough on the Charles City road to see that we had nothing to fear from that direction, and returned to see the New-Jersey brigade enter the woods to Gen. Kearny's relief. A battery accompanied this brigade. They soon drove back the enemy. It was now growing dark.

I sent by three different aids of the Commanding General's a detailed verbal statement of the events of the day and of our situation. From the exhaustion of the men, want of ammunition and provisions, uncertainty as to the force and position of the enemy, I also gave my opinion that the troops had better be withdrawn. I had no fears of the force we had just defeated so signally, but of the fresh troops they could bring against our worn-out men.

Shortly after dark I heard that Gen. Franklin was retiring. The right of my troops being so far in advance, and my being without orders, I could not believe it. Soon after Gen. Seymour came, and assured me that it was so. I sent Lieut. Hunt, of my staff, to entreat him to hold on till I could hear from the Commanding General, as I expected to do so every moment. Lieut. Hunt returned, and reported that when he got there General Franklin's troops had already left; that three regiments of General Naglee's brigade were drawn up a short distance from the White Oak Swamp bridge, waiting for the return of the General.

It was now twelve o'clock, and I could not wait any longer. Gen. Slocum was at my headquarters waiting for me to decide what to do, he having also heard that Gen. Franklin was leaving. We arranged for his division to leave immediately, to be followed by General Kearny's and then by General Sumner's. It was necessary for us to move promptly, as the enemy were busily engaged repairing the bridge, and would soon be enabled to cross in force on our rear.

I hastened to Gen. Sumner's headquarters and informed him of what had been done. He con-

curred with me, and sent a note to the Commanding General with the information. I then took the road and reached Malvern Hill at half-past one A.M., and reported to the Commanding General. Soon after daylight both of my divisions were on Malvern Hill.

I cannot speak too warmly of the gallantry displayed by Gen. Hooker and his division. Special mention is made of General Grover, of the First Massachusetts, Sixteenth Massachusetts, Sixty-ninth Pennsylvania, Second New-Hampshire and the Twenty-sixth Pennsylvania regiments. The colors captured by Captain Parks, company F, Second New-York volunteers, had "Williamsburgh" and "Seven Pines" on them, and belonged to the Seventeenth Virginia volunteers. They were sent to Gen. Sumner's headquarters. This same company captured one lieutenant-colonel, one captain, five lieutenants, and thirty or forty privates.

Gen. Kearny showed his usual gallantry and activity. The portion of his division engaged behaved most gallantly. The first of the attack fell on Gen. Robinson's brigade, and continued five hours. General Robinson was particularly distinguished. Captain Thompson's battery was conspicuous from the admirable manner in which it was served. It was most admirably supported by Colonel Hays, with the Sixty-third Pennsylvania and half of the Thirty-seventh New-York. Attention is called to General Kearny's report of this part of the action. I gladly add my commendation.

General Caldwell's brigade, sent by General Sumner, rendered valuable aid; also General Taylor's New-Jersey brigade, volunteered by General Slocum. My thanks are due to both those officers for the promptness with which they gave this assistance.

General Berry and his brigade behaved with their usual gallantry. Special attention is called to Major Fairbanks, who commanded the Fifth Michigan, and was dangerously wounded. The Twenty-fourth New-York volunteers, only two hundred men, led by Lieut. Greenhalgh, one of General Berry's aids, captured a stand of colors.

I neglected to mention in the proper place, that Captain Randolph, who commanded a battery, is highly commended. My staff, as usual, performed their duties to my satisfaction. Capt. McKeever, Chief of Staff, was active in communicating orders to the left at a critical moment; and Lieut. Hunt especially, in going to White Oak Swamp bridge, just before midnight, to learn whether our troops had retired.

All the reports received accompany this, and will give the names of those worthy of mention.

I annex a statement of the losses in General Hooker's division, but cannot of Gen. Kearny's, as the casualties of this day and the next are blended. The aggregate is nine hundred and fifty-one for the two days, of which, I believe, the greater part occurred on the thirtieth of June.

Respectfully submitted,

S. P. HEINTZELMAN,
Brigadier-General Commanding.

Tabular Statement of Killed, Wounded and Missing in Hooker's Division at the Battle of Glendale, June 30, 1862:

	Officers.	Enlisted Men.
Killed, ...	2	25
Wounded, ...	7	139
Missing, ...	7	288
Total, ...	16	402
		16
Grand total, ...		418

Doc. 48.

BATTLE OF MALVERN HILL, VA.

MAJOR-GENERAL HEINTZELMAN'S REPORT.

HEADQUARTERS THIRD CORPS, ARMY OF THE POTOMAC, }
CAMP NEAR HARRISON'S BAR, VA., July 24, 1862. }

Gen. S. Williams, A. A. G., Headquarters:

GENERAL: I have the honor to report the operations of my corps at the battle of Malvern Hill, and till their arrival at their present camp the next day.

On my arrival at Malvern Hill at half-past one A.M. of the first of July, I met the Commanding General on horseback, and reported to him what had been done. He directed me to see General Barnard, Chief Engineer, and General Porter, commanding the Fifth corps, and consult with them as to the position for the troops to occupy. I found them, but they were of the opinion that nothing could be done before daylight. As soon as it was light I saw Gen. Barnard, and he rode out to make another examination of the ground. On his return he pointed to the direction where I was to post my troops. I gave the necessary orders, but before they could be carried out the Commanding General returned, and I rode with him the whole circuit of the lines, leaving staff-officers to place my two divisions in position; General Kearny's on the left, to connect with General Couch's right; on the right of Kearny, General Hooker's division, with General Sumner's corps on his right. It was near ten A.M. when I returned *via* Haxall's to Malvern Hill. We now occupied a very strong position, but lacked some twenty thousand men to be certain of holding it against the superior force I feared would be brought against us.

Before my troops were all in position the rebels commenced an artillery fire, which we returned. Some of their shells exploded beyond the brick house on the hill, and in the bottom beyond. This lasted about two hours.

At half-past three P.M. the attack was renewed with artillery, and accompanied by infantry on the left of Kearny; but principally on General Couch's division. By five P.M. this was repulsed.

Later the attack was renewed on Gen. Porter's front, extending to the right as far as General Kearny's, by artillery and infantry in large force. The firing continued until nine P.M. The rebels were defeated with great slaughter.

During the afternoon large bodies of troops were seen passing along our front toward the right, in the edge of the woods. They were several hours passing. They disappeared, however, without any further demonstration. They passed beyond the range of our field-artillery.

Toward dusk, General Porter sent to General Sumner for a brigade and battery of artillery. This was sent. I added another brigade and battery, to enable him to make the defeat more complete, and sent them, as it was now so late I did not anticipate any attempt on my right.

All the troops under my command were exposed to this artillery fire. In General Kearny's division only the artillery and skirmishers were immediately engaged. Capt. Thompson managed his battery with the full genius of that arm; whilst Captain Randolph with his Parrott guns persecuted all that attacked him, silencing several times batteries that were sweeping our front or covering their columns of attack on General Couch to our left. The Fourth Maine was particularly distinguished for its coolness in holding a ravine and repulsing the enemy's skirmishers.

In General Hooker's division the men behaved with their usual coolness. The batteries were so placed that they were enabled several times to enfilade the enemy's artillery and infantry advance. We have to deplore the loss of Captain Beems, a most gallant officer, commanding one of the batteries. He was killed by a shell.

Captain De Russey, my Chief of Artillery, was quite distinguished; for it was through his good management and personal attention that the batteries sent to the left, later in the day, were so effective.

Quite late in the afternoon a staff-officer from the Commanding General informed me that we might fall back to another position farther down the river, in the course of the night. At fifty minutes past ten P.M. I received orders to move in rear of Gen. Couch's division. Before the road was clear for the leading brigade of my corps it was forty minutes past three A.M., and the rear did not leave till daylight.

Soon after daylight a heavy rain set in, seriously injuring the road, but early in the day all the troops reached their camps.

My whole corps made the march with its artillery and baggage-wagons, from Savage's Station to the camp at Harrison's Bar without the loss of a single wagon. Our reported loss in missing is but seven hundred and forty-five, and of this number a portion of killed and wounded were left on the battle-field, and some have since come in. To show the endurance and fortitude of the troops, the Seventh and Eighth New-Jersey regiments did not lose a man on the whole march. Of those regiments one had eight stragglers, of whom three were wounded. They have all since come in. The Seventh New-Jersey did not have a field-officer present. Capt. Bartlett, company C, commanded, with one captain, Fred. Cooper, and three lieutenants—Hillyer and Mallory, of company K, and Courson of company C.

At Savage's Station we received orders to re-

duce our baggage. We left our tents for the wounded, and the officers part of their personal baggage. This enabled me to place five hundred pounds of ammunition in each wagon, for the reserve artillery of the corps. Captain De Russey made good use of it at Malvern Hill.

The officers of my staff performed their duties with their usual promptitude and energy. Dr. Milhau did all it was possible to do under our peculiar circumstances. Capt. Weeks, A.Q.M., Capt. McKelvey, Chief Commissary, and Lieut. Dresser, ordnance officer, attended faithfully to the duties of their respective departments. To them I am indebted for the safety of every wagon, for ample supplies of provisions, and that the reserve ammunition was on the field at the proper moment.

Captain McKeever's duties since the first day of the battle of Fair Oaks have been exceedingly arduous, and have been performed with great judgment and untiring energy, assisted by Capt. Morse, A.A.G. Lieut. Hunt I have mentioned in my previous reports.

Lieut. Henry Norton, one of my Aids, particularly distinguished himself at Malvern Hill, by communicating with General Couch at the extreme front during the hottest part of the engagement, and previously showing much personal gallantry.

All the troops were exposed for several hours to a continuous fire of shells, which they bore with unflinching courage. Those exposed to the infantry fire behaved with their usual gallantry. Gen. Sickles's brigade was sent late in the day to aid General Porter's command. How well it was done is well set forth in the General's report. The conduct of Col. Taylor's regiment, the Seventy-second New-York volunteers, was brilliant.

I beg leave especially to call the attention of the Commanding General to the loss, in battle, of Gen. Hooker's division since the first of June, eight hundred and forty-seven men, and since the opening of the campaign, two thousand five hundred and eighty-nine. As they have uniformly slept on the field of battle, no other evidence can be required of their gallantry, and of that of their distinguished commander.

I annex a tabular statement of the whole loss of the corps from the twenty-sixth of June to the third of July, as some of the regiments have not been able to separate the losses for each day.

Respectfully submitted,

S. P. HEINTZELMAN,
Brigadier-General Commanding.

Tabular Statement of Killed, Wounded and Missing in Gen. Hooker's Division, at the late battles, from June 26 to July 3, 1862:

FIRST BRIGADE.		
	Officers.	Enlisted Men.
Killed, ...	1	24
Wounded, ...	7	111
Missing, ...	4	123
Total, ...		270

SECOND BRIGADE.		
	Officers.	Enlisted Men.
Killed, ...	2	24
Wounded, ...	1	47
Missing, ...	6	109
Total, ...		189

THIRD BRIGADE.		
	Officers.	Enlisted Men.
Killed, ...	1	4
Wounded, ...	2	22
Missing, ...	1	26
Total, ...		56

ARTILLERY.		
	Officers.	Enlisted Men.
Killed, ...	0	1
Wounded, ...	2	0
Missing, ...	0	8
Total, ...		11

Grand total, ... 526

Tabular Statement of Killed, Wounded and Missing in Gen. Kearny's Division, at the late battles, from June 26 to July 3, 1862:

FIRST BRIGADE.		
	Officers.	Enlisted Men.
Killed, ...	4	29
Wounded, ...	8	213
Missing, ...	1	82
Total, ...		337

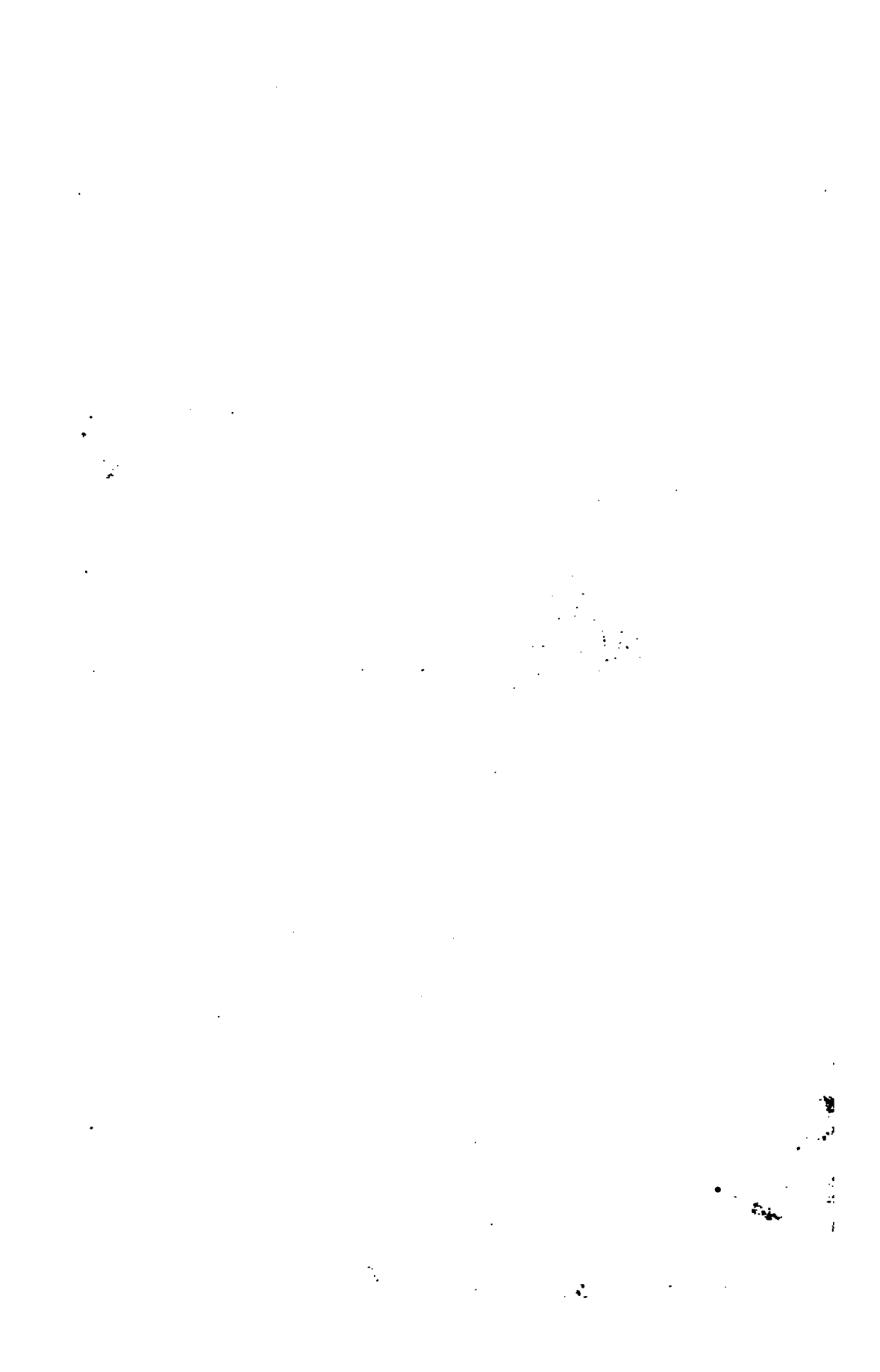
SECOND BRIGADE.		
	Officers.	Enlisted Men.
Killed, ...	0	7
Wounded, ...	2	43
Missing, ...	0	184
Total, ...		236

THIRD BRIGADE.		
	Officers.	Enlisted Men.
Killed, ...	3	33
Wounded, ...	10	197
Missing, ...	0	167
Total, ...		410

COMPANY G, SECOND U. S. ARTILLERY.		
	Officers.	Enlisted Men.
Killed, ...	0	1
Wounded, ...	0	13
Missing, ...	0	2
Total, ...		16

COMPANY E, FIRST RHODE ISLAND ARTILLERY.		
	Officers.	Enlisted Men.
Killed, ...	0	1
Wounded, ...	0	3
Missing, ...	0	3
Total, ...		7

Grand total, ... 1,006





SCULPTED BY E. T. LEE

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Tabular Statement of Killed, Wounded and Missing, in Reserve Artillery, at the late battles, from June 26 to July 3, 1862.

COMPANY K, FOURTH U. S. ARTILLERY.

	Officers.	Enlisted Men.
Killed, ...	0	0
Wounded, ...	0	2
Missing, ...	0	0
Total, ...		2

COMPANY B, FIRST NEW-JERSEY ARTILLERY.

	Officers.	Enlisted Men.
Killed, ...	1	0
Wounded, ...	0	0
Missing, ...	0	4
Total, ...		5

SIXTH NEW-YORK BATTERY.

	Officers.	Enlisted Men.
Killed, ...	0	0
Wounded, ...	0	1
Missing, ...	0	1
Total, ...		2

Grand total, ...

Consolidated List of Killed, Wounded and Missing in Third Corps, at the late Battles, from June 26 to July 3, 1862:

GENERAL HOOKER.

	Officers.	Enlisted Men.
Killed, ...	4	53
Wounded, ...	12	180
Missing, ...	11	266
Total, ...	27	499
Aggregate, ...		526

GENERAL KEARNY.

	Officers.	Enlisted Men.
Killed, ...	7	71
Wounded, ...	20	469
Missing, ...	1	438
Total, ...	28	978
Aggregate, ...		1,006

CAPTAIN DE RUSSY.

	Officers.	Enlisted Men.
Killed, ...	1	0
Wounded, ...	0	3
Missing, ...	0	5
Total, ...	1	0
Aggregate, ...		9
Grand total, ...		1,541

NOTE.—Attention is called to the loss in General Kearny's division—nearly double that in General Hooker's.

Doc. 49.

REPORT OF THE JUDGE ADVOCATE GENERAL TO THE SECRETARY OF WAR.

JUDGE ADVOCATE GENERAL'S OFFICE,
March 27, 1863.

SIR: I have the honor to transmit for your consideration the accompanying depositions of Corporal William Pittenger, Co. G, Second regiment Ohio volunteers; private Jacob Parrot, Co. K, Thirty-third regiment Ohio volunteers; private Robert Buffum, Co. H, Twenty-first regiment Ohio volunteers; Corporal Wm. Reddick, Co. B, Thirty-third regiment Ohio volunteers; and private Wm. Bensinger, Co. G, Twenty-first regiment Ohio volunteers, taken at this office on the twenty-fifth instant, in compliance with your written instructions, from which the following facts will appear:

These non-commissioned officers and privates belonged to an expedition set on foot in April, 1862, at the suggestion of Mr. J. J. Andrews, a citizen of Kentucky, who led it, and under the authority and direction of Gen. O. M. Mitchel, the object of which was to destroy the communications on the Georgia State Railroad, between Atlanta and Chattanooga.

The mode of operation proposed was to reach a point on the road where they could seize a locomotive and train of cars, and then dash back in the direction of Chattanooga, cutting the telegraph wires and burning the bridges behind them as they advanced, until they reached their own lines. The expedition consisted of twenty-four men, who, with the exception of its leader, Mr. Andrews, and another citizen of Kentucky—who acted on the occasion as the substitute of a soldier—had been selected from the different companies for their known courage and discretion. They were informed that the movement was to be a secret one, and they doubtless comprehended something of its perils, but Mr. Andrews and Mr. Reddick alone seem to have known any thing of its precise direction or object. They, however, voluntarily engaged in it, and made their way, in parties of two and three, in citizen's dress, and carrying only their side-arms, to Chattanooga, the point of rendezvous agreed upon, where twenty-two out of the twenty-four arrived safely. Here they took passage, without attracting observation, for Marietta, which they reached at twelve o'clock on the night of the eleventh of April. The following morning they took the cars back again towards Chattanooga, and at a place called Big Shanty, while the engineer and passengers were breakfasting, they detached the locomotive and three box-cars from the train, and started at full speed for Chattanooga. They were now upon the field of the perilous operations proposed by the expedition, but suddenly encountered unforeseen obstacles. According to the schedule of the road, of which Mr. Andrews had possessed himself, they should have met but a single train on that day, whereas they met three, two of them being engaged on extraordinary service. About an hour was lost in waiting to allow these trains to pass, which enabled their pursuers to press closely upon them.

They removed rails, threw out obstructions on the road, and cut the wires from time to time, and attained when in motion a speed of sixty miles an hour; but the time lost could not be regained. After having run about one hundred miles, they found their supply of wood, water, and oil exhausted, while the rebel locomotive which had been chasing them was in sight. Under these circumstances they had no alternative but to abandon their cars and fly to the woods, which they did, under the orders of Mr. Andrews, each one endeavoring to save himself as best he might.

The expedition thus failed from causes which reflected neither upon the genius by which it was planned, nor upon the intrepidity and discretion of those engaged in conducting it. But for the accident of meeting the extra trains—which could not have been anticipated—the movement would have been a complete success, and the whole aspect of the war in the South and South-west would have been at once changed. The expedition itself, in the daring of its conception, had the wildness of a romance; while in the gigantic and overwhelming results, which it sought and was likely to accomplish, it was absolutely sublime. The estimate of its character entertained in the South will be found fully expressed in an editorial from the *Southern Confederacy*, a prominent rebel journal, under date of the fifteenth of April, and which is appended to and adopted as a part of Mr. Pittenger's deposition. The editor says: "The mind and heart shrink back appalled at the bare contemplation of the awful consequences which would have followed the success of this one act. We doubt if the victory of Manassas or Corinth were worth as much to us as the frustration of this grand *coup d'état*. It is not by any means certain that the annihilation of Beauregard's whole army at Corinth would be so fatal a blow to us as would have been the burning of the bridges at that time by these men."

So soon as those composing the expedition had left the cars, and dispersed themselves in the woods, the population of the country around turned out in their pursuit, employing for this purpose the dogs which are trained to hunt down the fugitive slaves of the South. The whole twenty-two were captured. Among them was private Jacob Parrot, of Co. K, Thirty-third regiment Ohio volunteers. When arrested, he was, without any form of trial, taken possession of by a military officer and four soldiers, who stripped him, bent him over a stone, and while two pistols were held over his head, a lieutenant in rebel uniform inflicted, with a rawhide, upwards of a hundred lashes on his bare back. This was done in the presence of an infuriated crowd, who clamored for his blood, and actually brought a rope with which to hang him. The object of this prolonged scourging was to force this young man to confess to them the objects of the expedition and the names of his comrades, especially that of the engineer who had run the train. Their purpose was, no doubt, not only to take the life of the

latter, if identified, but to do so with every circumstance of humiliation and torture which they could devise. Three times, in the progress of this horrible flogging, it was suspended, and Mr. Parrot was asked if he would not confess; but steadily and firmly, to the last, he refused all disclosures, and it was not till his tormentors were weary of their brutal work that the task of subduing their victim was abandoned as hopeless. This youth is an orphan, without father or mother, and without any of the advantages of education. Soon after the rebellion broke out, though but eighteen years of age, he left his trade, and threw himself into the ranks of our armies as a volunteer; and now, though still suffering from the outrages committed on his person in the South, he is on his way to rejoin his regiment, seeming to love his country only the more for all that he has endured in its defence. His subdued and modest manner, while narrating the part he had borne in this expedition, showed him to be wholly unconscious of having done any thing more than perform his simple duty as a soldier. Such Spartan fortitude, and such fidelity to the trusts of friendship and to the inspirations of patriotism, deserve an enduring record in the archives of the government, and will find one, I am sure, in the hearts of a loyal people.

The twenty-two captives, when secured, were thrust into the negro-jail of Chattanooga. They occupied a single room, half under ground, and but thirteen feet square, so that there was not space enough for them all to lie down together, and a part of them were, in consequence, obliged to sleep sitting and leaning against the walls. The only entrance was through a trap-door in the ceiling, that was raised twice a day to let down their scanty meals, which were lowered in a bucket. They had no other light or ventilation than that which came through two small, triple-grated windows. They were covered with swarming vermin, and the heat was so oppressive that they were often obliged to strip themselves entirely of their clothes to bear it. Add to this, they were all handcuffed, and, with trace-chains secured by padlocks around their necks, were fastened to each other in companies of twos and threes. Their food, which was doled out to them twice a day, consisted of a little flour wet with water and baked in the form of bread, and spoiled pickled beef. They had no opportunity of procuring any supplies from the outside, nor had they any means of doing so—their pockets having been rifled of their last cent by the confederate authorities, prominent among whom was an officer wearing the rebel uniform of a major. No part of the money thus basely taken was ever returned.

During this imprisonment at Chattanooga their leader, Mr. Andrews, was tried and condemned as a spy, and was subsequently executed at Atlanta, the seventh of June. They were strong and in perfect health when they entered this negro-jail, but at the end of something more than three weeks, when they were required to leave it, they were so exhausted from the treatment to which

they had been subjected, as scarcely to be able to walk, and several staggered from weakness as they passed through the streets to the cars.

Finally, twelve of the number, including the five who have deposed, and Mr. Mason, of Co. K, Twenty-first regiment Ohio volunteers—who was prevented by illness from giving his evidence—were transferred to the prison of Knoxville, Tenn. On arriving there, seven of them were arraigned before a court-martial, charged with being spies. Their trial of course was summary. They were permitted to be present, but not to hear either the argument of their own counsel or that of the judge advocate. Their counsel, however, afterwards visited the prison and read to them the written defence which he made before the court in their behalf. The substance of that paper is thus stated by one of the witnesses, Corporal Pittenger: "He (the counsel) contended that our being dressed in citizen's clothes was nothing more than what the confederate government itself had authorized, and was only what all the guerrillas in the service of the Confederacy did on all occasions when it would be an advantage to them to do so; and he recited the instance of Gen. Morgan having dressed his men in the uniform of our soldiers and passed them off as being from the Eighth Pennsylvania cavalry regiment, and by that means succeeded in reaching a railroad, and destroying it. This instance was mentioned to show that our being in citizen's clothes did not take from us the protection awarded to prisoners of war. The plea went on further to state that we had told the object of our expedition; that it was a purely military one for the destruction of communications, and, as such, lawful according to the rules of war."

This just and unanswerable presentation of the case appears to have produced its appropriate impression. Several members of the court-martial afterwards called on the prisoners and assured them that, from the evidence against them, they could not be condemned as spies; that they had come for a certain known object, and not having lingered about or visited any of their camps, obtaining or seeking information, they could not be convicted. Soon thereafter all the prisoners were removed to Atlanta, Ga., and they left Knoxville under a belief that their comrades, who had been tried, either had been or would be acquitted. In the mean time, however, the views entertained and expressed to them by the members of the court were overcome, it may be safely assumed, under the prompting of the remorseless despotism at Richmond. On the eighteenth of June, after their arrival at Atlanta, where they rejoined the comrades from whom they had been separated at Chattanooga, their prison-door was opened, and the death sentences of the seven who had been tried at Knoxville were read to them. No time for preparation was allowed them. They were told to bid their friends farewell, "and to be quick about it." They were at once tied and carried out to execution. Among the seven was private Samuel Robinson, Co. G, Thirty-third Ohio volunteers, who was too ill to walk. He

was, however, pinioned like the rest, and in this condition was dragged from the floor on which he was lying to the scaffold. In an hour or more the cavalry escort, which had accompanied them, was seen returning with the cart, but the cart was empty—the tragedy had been consummated!

On that evening and the following morning the prisoners learned from the provost-marshal and guard that their comrades had died, as all true soldiers of the republic should die in the presence of its enemies. Among the revolting incidents which they mentioned in connection with this cowardly butchery, was the fall of two of the victims from the breaking of the ropes after they had been for some time suspended. On their being restored to consciousness, they begged for an hour in which to pray and to prepare for death, but this was refused them. The ropes were readjusted and the execution at once proceeded.

Among those who thus perished was private Alfred Wilson, company C, Twenty-first Ohio volunteers. He was a mechanic from Cincinnati, who, in the exercise of his trade, had travelled much through the States North and South, and who had a greatness of soul which sympathized intensely with our struggle for national life, and was in that dark hour filled with joyous convictions of our final triumph. Though surrounded by a scowling crowd, impatient for his sacrifice, he did not hesitate while standing under the gallows to make them a brief address. He told them that though they were all wrong, he had no hostile feelings towards the Southern people, believing that not they but their leaders were responsible for the rebellion; that he was no spy, as charged, but a soldier regularly detailed for military duty; that he did not regret to die for his country, but only regretted the manner of his death; and he added, for their admonition, that they would yet see the time when the old Union would be restored, and when its flag would wave over them again. And with these words the brave man died. He, like his comrades, calmly met the ignominious doom of a felon—but, happily, ignominious for him and for them only so far as the martyrdom of the patriot and the hero can be degraded by the hands of ruffians and traitors.

The remaining prisoners, now reduced to fourteen, were kept closely confined under special guard, in the jail at Atlanta, until October, when, overhearing a conversation between the jailer and another officer, they became satisfied that it was the purpose of the authorities to hang them, as they had done their companions. This led them to form a plan for their escape, which they carried into execution on the evening of the next day, by seizing the jailer when he opened the door to carry away the bucket in which their supper had been brought. This was followed by the seizure also of the seven guards on duty, and before the alarm was given eight of the fugitives were beyond the reach of pursuit. It has been since ascertained that six of these, after long and painful wanderings, succeeded in reaching our lines. Of the fate of the other two, nothing is known. The remaining six of the fourteen, con-

sisting of the five witnesses who have deposed, and Mr. Mason, were recaptured and confined in the barracks, until December, when they were removed to Richmond. There they were shut up in a room in Castle Thunder, where they shivered through the winter, without fire, thinly clad, and with but two small blankets, which they had saved with their clothes, to cover the whole party. So they remained until a few days since, when they were exchanged; and thus, at the end of eleven months, terminated their pitiless persecutions in the prisons of the South—persecutions begun and continued amid indignities and sufferings on their part, and atrocities on the part of their traitorous foes, which illustrate far more faithfully than any human language could express it, the demonic spirit of a revolt, every throb of whose life is a crime against the very race to which we belong.

Very respectfully, your obedient servant,

J. HOLT,

Judge Advocate General.

Hon. EDWIN M. STANTON,

Secretary of War.

TESTIMONY.

Depositions of Corporal William Pittenger, company G, Second regiment Ohio volunteers; private Jacob Parrot, company K, Thirty-third regiment Ohio volunteers; private Robert Buffum, company H, Twenty-first regiment Ohio volunteers; Corporal William Reddick, company B, Thirty-third regiment Ohio volunteers; and private William Bensinger, company G, Twenty-first regiment Ohio volunteers, taken at the office of the Judge Advocate General of the Army, in the city of Washington, on the twenty-fourth of March, 1863, before N. Callan, Justice of the Peace, in compliance with the written instructions of the Secretary of War.

Corporal WILLIAM PITTENGER was duly sworn and examined, as follows, by the Judge Advocate General:

Question. Will you state what position you hold in the military service?

Answer. I am a corporal in company G, Second regiment Ohio volunteers.

Question. Will you state whether you belonged to the expedition fitted out in the spring of 1862 by General O. M. Mitchel, for operations in the State of Georgia?

Answer. I did.

Question. Please state the character of that expedition, the number of men engaged in it, its operations, and the final result.

Answer. The expedition was planned between Gen. Mitchel and Mr. J. J. Andrews, a citizen of Kentucky, then in the secret service of the Government. Mr. Andrews asked for a detail of twenty-four men from the three Ohio regiments of the brigade then commanded by Colonel, afterwards General Sill. Of these twenty-four men only twenty-two succeeded in getting through the lines. The object of the expedition was to destroy the communications on the Georgia State Railroad, between Atlanta and Chattanooga, by burning the bridges. For this purpose we intended to seize an engine and a train of cars, at a

place where there could be no other engine and train of cars to pursue us, and to run ahead, cutting the telegraph-wires, and burning the bridges behind us, if possible, until we should reach our own lines. Gen. Mitchel at that time was moving on Huntsville, and it was supposed that he would be there as soon as we could reach there. We started in citizen's clothes; we were ordered to dress in citizen's clothes, armed with side-arms only, and we were to pass through the lines in squads of three or four, to meet at Chattanooga. We met no pickets or opposition of any kind on the way, there being no large military force there—nothing but camps of instruction for new recruits in that section of the country. From Chattanooga we proceeded to Marietta, Georgia, by rail, and arrived there on the night of eleventh of April, at midnight. On the morning of the twelfth, we took passage back again from Marietta towards Chattanooga, and at a place called Big Shanty, while the passengers, the engineer, and conductor were at breakfast, we detached the engine and three box-cars from the train, and started. There was no engine there to pursue us, but we were pursued by a hand-car. Mr. Andrews, the leader of the expedition, had a schedule of the road, and according to that schedule we had but one train to pass, at a station but a short distance from where we captured the train; and after that we intended to run the train through at full speed, and accomplish the object of the expedition. Unfortunately, however, that morning, for the first time, two other additional trains had been put on the road, making three that we had to meet and pass instead of one, and at considerable intervals. We were obliged to wait at one station for twenty-five minutes, and at the second we had to wait; and we were also delayed waiting for the third train; by this means we lost so much time that those pursuing came nearly up with us from behind, and we had no time to accomplish the object of the expedition. We attempted to delay the pursuit by taking up the rails, but they had forethought enough to take a party of workmen with them to lay the rails again. We proceeded until we were within some fifteen or eighteen miles of Chattanooga, when we got out of wood and water, and the pursuing train was so close behind us that we had not time to take in any more, and we therefore abandoned the train. Our leader, Mr. Andrews, told us to take to the woods, and disperse, and save ourselves if we could. We were immediately pursued by the whole population. There was great excitement, and all the planters and people of the neighborhood turned out with the dogs that they employed to hunt their negroes, and pursued us. Some of our party were taken that day and some on the next day; two were not taken until three weeks afterwards, but all were finally captured. The party consisted of twenty United States soldiers, one citizen of Kentucky, who was on a visit to our regiment and went in the place of another soldier, and Mr. Andrews, our leader.

Question. Who was Mr. Andrews?

Answer. He was a citizen in the employ of the Government; he had been employed in the secret service of the Government. He told me about several of his expeditions; among others, he stated that he had visited Fort Donelson before it was captured. We were all, twenty-two of us, taken to the jail, or rather the negro-prison in Chattanooga, and confined there in a lower apartment, or dungeon, of the building, only about thirteen feet square, and about the same height, and partly under ground, having only two windows on opposite sides, not over eighteen inches in diameter, with triple rows of bars. The ventilation there was so imperfect that it reminded me more of the Black Hole of Calcutta than any thing else. When the first of our party were taken there to the jail, there were others, Union men of Tennessee, who were confined there in this same room; as others of our party were taken and brought there, some of these Union men were taken out, until, finally, there were none there but the twenty-two of our party. We were placed in irons, were handcuffed, and chained twos and twos with chains; I think there were two parties of three coupled together, but the remainder were coupled in twos. The trap-door of the building, the only entrance, was raised only to let down our meals, which were lowered to us in a bucket, by a rope, twice a day. Our fare was very scanty, and we were reduced so as to be scarcely able to walk, although before we had all been well, hearty, strong men. We were confined there, I think, for a little over three weeks, and when we came out, at the end of that time, we were scarcely able to walk; some actually staggered along as they marched to the cars. While we were there Mr. Andrews was tried before a court-martial, under the orders, I believe, of Gen. Leadbetter, or those of Kirby Smith, his superior. His sentence was not announced until we had left there. After we had been confined there about three weeks, General Mitchel advanced to Bridgeport, producing a great panic in Chattanooga; and they transferred us south to Madison, in Georgia. We remained there until they found that Gen. Mitchel did not intend to advance on Chattanooga, when they brought us back. By this time we had been put under the charge of a captain, who interceded for us and procured us some little better quarters. We were allowed to occupy an upper story of the jail, a room of the same size but having larger windows, and three instead of two. We remained there a few days—I do not remember exactly how long—when twelve of us were taken to Knoxville, and the remainder were kept in Chattanooga. I was one of those who were sent to Knoxville. Shortly after we had gone to Knoxville, Mr. Andrews's sentence was read to him, and, in accordance with that, he was executed at Atlanta, Ga., on the seventh of June. At Knoxville some of our boys were put on trial as spies. Only seven were tried, and the trial occupied but a very short time. Although we were allowed the privilege of employing counsel, yet we were not allowed to hear the pleas of

counsel. When our men demanded the privilege of hearing the plea of our own counsel, and of the Judge Advocate against us, they refused it. The first one who was tried demanded that privilege, and they refused him, and said they would not allow it, which, of course, amounted to a refusal for all. Our lawyer, however, visited us, and read his plea to us. I suppose that it was the same which he read in court, in which he contended that our being dressed in citizen's clothes was nothing more than what the Confederate government itself had authorized, and was only what all the guerrillas in the service of the Confederacy did on all occasions when it would be of advantage to them to do so. And he cited the instance of Gen. Morgan having dressed his men in the uniform of our soldiers, and passed them off as being from the Eighth Pennsylvania cavalry regiment, and by that means succeeded in reaching a railroad and destroying it. This instance was mentioned to show that our being dressed in citizen's clothes did not take from us the protection accorded to prisoners of war. The plea went on further to state that we had told the object of our expedition—that it was a purely military one for the destruction of communication, and, as such, lawful according to the rules of war. What reply the Judge Advocate made to this we never had any means of knowing, as we were not allowed to hear it. Members of the court-martial, however, visited us, and told us that from the evidence against us we could not be convicted as spies; that we came for a certain, known object, did not visit in their camps at any place, did not remain about them or seek to obtain any information of them, and therefore we could not be convicted as spies. Shortly afterwards they transferred us twelve to Atlanta, Ga., where those who had remained in Chattanooga had been previously taken. After remaining there for a short time, an order came for the execution of our seven comrades who had been tried. It was at that time entirely unexpected to us, although at first it would not have been. Sentence of death was read to them, and they were immediately tied, without any time for preparation being allowed them. They were told to bid us farewell, and "to be quick about it," and then they were taken out of the prison, and we could see them from the window, in a wagon, escorted by cavalry. In the course of something like an hour or so, the cavalry returned without them. That evening Captain Forakers, the provost-marshal, called upon us. We asked him how our companions had met their fate. He told us, like brave men. The next day we conversed with the guard who was guarding us; with one in particular, who described the scene of the execution where he was present. He told us of the speech that one of those men, named Wilson, from my regiment, had made on the scaffold; and also told us that two of the heaviest men had broken the ropes when they were hanging, and fell to the ground. They afterwards revived and asked for a drink of water, which was given to them; and they requested an hour to prepare for

death, and to pray before they were again hung up. That was refused them, and as soon as the ropes were adjusted they were compelled to ascend the scaffold again. The guard told me that Mr. Wilson had spoken very calmly; had told them that they were all in the wrong; that they would yet see the time when the old Union would be restored, and the flag of our country would wave over all of that country; that he had no bad feelings towards the Southern people; but considered that it was only their leaders who were to blame for the course they had taken. He also said that although he was condemned as a spy, he was none; but was a regularly detailed soldier, and died perfectly innocent of the charge against him; that he did not regret to die for his country, but only regretted the manner of his death. That is the substance of it, as far as I can recollect. We all expected to share the same fate as our companions.

We remained there confined very closely in the city jail. A special guard was placed over us from and before the time of the execution, on the eighteenth of June, until in October. We were all, fifteen of us, kept in the same room all the time—a room not much larger than this, (the Judge Advocate General's office.) I said there were fifteen of us—the fourteen surviving members of the expedition and a Capt. Frye, a Federal officer of East-Tennessee, who had been sent from Knoxville with us, and confined in the same room with us, as they considered it the securest part of the building.

Question. What knowledge, if any, have you of one of your companions in this expedition—Mr. Parrot—having been seized and scourged by the confederate authorities? State all you know on the subject, either from your own knowledge, or from his statements, or from the statements of confederate officers.

Answer. That occurred before I was myself captured, after leaving the train. Mr. Parrot himself gave me a complete narrative of the transaction as soon as we reached Chattanooga, where we were all taken after a time. In addition to his statement, I heard the statement of his companion, the man taken with him, and one of those subsequently executed, who told me substantially the same story that Mr. Parrot did—that Mr. Parrot received over one hundred lashes to make him confess the objects of the expedition, the names of his companions, and particularly the name of the engineer who ran the train, all of which he refused to do. It was said by the confederates that this flogging was inflicted by a mob; that "they took him and whipped him"—that was the expression they used. Afterwards, when we were going to Madison, at the time when we were taken away from Chattanooga, a confederate officer called upon us at a station where the cars stopped, and spoke to Mr. Parrot in my hearing, and told him that he admired his courage and hardihood in refusing to confess under the flogging he had received, and also stated that he was sorry that they had beaten him so severely.

In October Colonel Lee, who was then provost-marshal, having taken the place of the former provost-marshal, came to us and told us that he had received a letter from the Secretary of War of the Confederacy, inquiring why we had not all been executed. Col. Lee told us that he had replied that he was personally unacquainted with the affair, but he supposed it was probable that there were some mitigating circumstances in our cases, and had referred to the court-martial which tried the others for those circumstances. One or two days after that the jailer was overheard talking with an officer of the guard, and telling him that the remainder of our party were to be executed also. From this we supposed that the Secretary of War had ordered it, and we determined to escape if possible. On the evening of the next day, after we had had our supper, when they opened the door to take out the buckets in which our supper was brought, we seized the jailer and held him, opened another room of the prison, in which others were confined, went down-stairs, and seized the guard—there were seven of the guard—and then attempted to make our escape, and eight of us succeeded in getting off before the alarm was given. The others were captured; four on the same evening, and two others the next day. I was one of those captured on the same evening. Shortly after that, they removed us to the barracks in town, where we were better treated, more kindly treated than we had ever been before that. We remained there until December, when we were sent to Richmond. We were first taken to the Libby prison, and told that we were to be exchanged. They sent a very light guard along with us, trusting to our belief that we would be exchanged; and, so believing, we went along quietly and made no attempt to escape, which we could easily have done. We were taken to the Libby prison and kept there about an hour, and then transferred to the criminal prison, Castle Thunder. Here we were put into a little room up-stairs, of which three sides were only weather-boarded, and there we remained during the months of December and January, without any fire and with a very scanty supply of clothing, as they had taken all our blankets from us when we left Atlanta, with the exception of two small ones which we had managed to secrete when we left the barracks. This was the only covering we had during those two months for all six of us there. We were very destitute of other clothing at that time, nearly out of it in fact. About the first of February, however, they wanted that room, with a number of other rooms on the same floor, for hospital purposes, and transferred us to a large room down-stairs on the ground-floor, which was assigned to Union prisoners. Here we enjoyed more liberty than we had before, and remained until a special exchange was made. They attempted to exchange us as citizens, leaving our names on the citizen's list from Castle Thunder, although we had our names marked as soldiers, and our companies and regiments were down on the prison-books, and in the charges and specifications given to the seven of our comrades who

were tried and executed, it was admitted that they were soldiers, and their companies and regiments were named.

Question. Were the men engaged in that expedition detailed by the officers, or did they volunteer? Under what circumstances did they enter upon that expedition?

Answer. Gen. Mitchel issued an order to the colonels of the three Ohio regiments in Sill's brigade to have a man detailed from each company—for the captain of each company to select a reliable man of his company for this purpose. They were then sent to the colonel's quarters and told what they were wanted to do—that they were wanted to dress in citizen's clothes and obey the orders of Mr. Andrews. The expedition was not explained to us then, but we were told that we were to obey Mr. Andrews's orders, and to go with him on a secret expedition. The object of the expedition was explained to us that night by Mr. Andrews, who assembled us together about a mile from Shelbyville, after it got dark, and there gave us the main outlines; that we were to go into Georgia to Marietta, to make our way there as well as we could, and there to seize a train, and he would be with us all the time after reaching there to direct us how to proceed.

Question. The leading object of the expedition was to cut the communications and destroy the bridges?

Answer. Yes, sir; the capture of the engine and train was merely a means to that end.

Question. Have you any evidence of the estimate which was placed by the confederate authorities upon the importance of this expedition, had it been successful?

Answer. I have a paper here now, one of the most influential in the State of Georgia, at least, called the *Southern Confederacy*. The copy which I have is dated April fifteenth, 1862. We seized the train on the twelfth of April, and this paper was printed three days after, and before they had learned the full particulars of the capture. I will read a portion of that article.

(The witness then produced the paper, and read from the article referred to.)

Question. How came you in possession of that paper?

Answer. The officer of the guard in charge of us had it and laid it down, and I took it and have carried it secreted about my person ever since, which accounts for its soiled and worn condition. I would refer to the entire article as the best answer to your question, as to the importance attached to the expedition by the confederate authorities.

(A copy of the article referred to is hereto appended, as a portion of this deposition.)

Question. Were you personally acquainted with Mr. Wilson, who made the address upon the scaffold before his execution?

Answer. Yes, sir.

Question. Will you state to what company and regiment he belonged, and from what part of the State of Ohio he came?

Answer. He was a member of company B, of

SUP. DOC. 18

the Second Ohio regiment—my regiment. He had resided in Cincinnati a long time, and came from there. He was a shoemaker by trade, a man between thirty and thirty-five years of age, and had travelled a great deal over the United States, working at his trade. He said he had a family of two children; his wife was not living.

Question. Will you please give, if you can, the names of all your comrades who were executed, with the companies and regiments to which they belonged?

Answer. There was George D. Wilson, company B, Second Ohio infantry; Marion Ross, company A, Second Ohio infantry, the sergeant-major of the regiment; Perry G. Shadrack, company K, Second Ohio; Samuel Roberson, company G, Thirty-third Ohio; Samuel Slavens, company D, Thirty-third Ohio; John Scott, company F, Twenty-first Ohio; William Campbell, a citizen of Kentucky; and J. J. Andrews, a citizen of Kentucky also, and our leader. William Campbell was on a visit to our regiment at the time this detail was made. The captain of one of our companies asked him if he would go in the place of one of the soldiers, and he agreed to do so. We always said, when questioned about him, that he was a soldier.

Question. Will you state what you know, if any thing, in regard to the origin of this secret expedition—by whom it was planned, and when?

Answer. I do not know of my own knowledge, but Mr. Andrews told me that he himself, in his visits to the South, had noticed that this thing could be accomplished, and that it would be of great benefit to us. He had proposed it to Gen. Buell, who did not give him much encouragement. Afterwards he proposed it to Gen. Mitchel, who gave him more encouragement, and gave him permission to take eight men from the Second Ohio regiment, which he had been with considerable, and attempt to execute the plan. The men were given him, and he proceeded in the same way that we did to Atlanta; but on arriving there, they found that the engineer, whom Mr. Andrews had engaged to run the train for them, was not there, on account of having been pressed to run reinforcements to Beauregard at Corinth. For this reason they were obliged to give up the plan, and go quietly back as passengers to Chattanooga, and then return through the country to our camp. Mr. Andrews then told Gen. Mitchel that from all he had seen in that expedition, he still considered the thing easy of accomplishment, and asked for a larger detail of twenty-four men from the three regiments, which he obtained. He asked to have some engineers selected, so that there should be no possibility of a failure the second time like the first. There were consequently four men in our party who could run engines; only one, however, did so on that expedition. None of those on the first expedition went on the second; entirely new men were selected the second time.

Question. Will you, if you can, give the names of the members of that expedition, in addition to those spoken of in this testimony—that is to say,

the witnesses who are to depose here, together with a Mr. Mason, and the seven who were executed?

Answer. They are as follows: William Knight, company E, Twenty-first Ohio; Wilson H. Brown, company F, Twenty-first Ohio; Daniel A. Dorsey, company H, Thirty-third Ohio; Mark Wood, company C, Twenty-first Ohio; Alfred Wilson, of the same company and regiment. This was the only instance where two men were taken from the same company. Martin J. Hawkins, company A, Thirty-third Ohio; John Wollan, company C, Thirty-third Ohio; and John R. Porter, company G, Twenty-first Ohio. These eight that I have just named were those who succeeded in making their escape, and were not retaken at the time that we were. We saw in a confederate paper an extract from the Cincinnati *Commercial*, stating that the two last named, Wollan and Porter, had succeeded in reaching our lines, in a very destitute condition, at Corinth, which was then in our possession. We were told by Col. Lee, the provost-marshal at Atlanta, that three of those who had escaped had been shot and left in the woods; but we did not know how much dependence to place upon that.

WILLIAM PITTENGER,
Company G, Second Ohio Regiment Volunteers.

THE GREAT RAILROAD CHASE!*

THE MOST EXTRAORDINARY AND ASTOUNDING ADVENTURE OF THE WAR.—THE MOST DARING UNDERTAKING THAT YANKEES EVER PLANNED OR ATTEMPTED TO EXECUTE.

Stealing an engine—Tearing up the track—Pursued on foot, on hand-cars and engines—Overtaken—A scattering—The capture—The wonderful energy of Messrs. Fuller, Murphy, and Cain—Some reflections, etc., etc.

FULL PARTICULARS.

Since our last issue we have obtained full particulars of the most thrilling railroad adventure that ever occurred on the American continent, as well as the mightiest and most important in its results, if successful, that has been conceived by the Lincoln government since the commencement of this war. Nothing on so grand a scale has been attempted, and nothing within the range of possibility could be conceived, that would fall with such a tremendous crushing force upon us, as the accomplishment of the plans which were concocted and dependent on the execution of the one whose history we now proceed to narrate.

Its reality—*what was actually done*—excels all the extravagant conceptions of the Arrow-smith hoax, which fiction created such a profound sensation in Europe.

To make the matter more complete and intelligible, we will take our readers over the same history of the case which we related in our last, the main features of which are correct, but are lacking details, which have since come to hand.

We will begin at the breakfast-table, in the Big Shanty hotel at Camp McDonald, on the W. and A. Railroad, where several regiments of sol-

diers are now encamped. The morning mail and passenger-train had left here at four A.M. on last Saturday morning as usual, and had stopped there for breakfast. The conductor, W. A. Fuller, the engineer, J. Cain—both of this city—and the passengers, were at the table, when some eight men, having uncoupled the engine and three empty box-cars next to it from the passenger and baggage-cars, mounted the engine, pulled upon the valve, put on all steam, and left conductor, engineer, passengers, spectators, and the soldiers in the camp hard by, all lost in amazement, and dumbfounded at the strange, startling, daring act.

This unheard-of act was doubtless undertaken at that place and time upon the presumption that pursuit could not be made by an engine short of Kingston, some thirty miles above or from this place; and that, by cutting down the telegraph-wires as they proceeded, the adventurers could calculate on at least three or four hours' start of any pursuit it was reasonable to expect. This was a legitimate conclusion, and but for the will, energy, and quick and good judgment of Mr. Fuller and Mr. Cain, and Mr. Anthony Murphy, the intelligent and practical foreman of the wood department of the State road shop, who accidentally went on the train from this place that morning, their calculations would have worked out as originally contemplated, and the results would have been obtained long ere this reaches the eyes of our readers—the most terrible to us of any that we can conceive as possible, and unequalled by any thing attempted or conceived since this war was commenced. Now for the chase:

These three determined men, without a moment's delay, put out after the flying train on foot, amidst shouts of laughter by the crowd, who, though lost in amazement at the unexpected and daring act, could not repress their risibility at seeing three men start after a train on foot, which they had just witnessed depart at lightning speed. They put on all their speed and ran along the track for three miles, when they came across some track-raisers who had a small truck-car, which is shoved along by men so employed on railroads, on which to carry their tools. This truck and men were at once "impressed." They took it by turns of two at a time to run behind this truck and push it along all up-grades and level portions of the road, and let it drive at will on all the down-grades.

A little way further up the fugitive adventurers had stopped, cut the telegraph-wires, and torn up the track. Here the pursuers were thrown at pell-mell, truck and men, upon the side of the road. Fortunately "nobody was hurt on our side." The truck was soon placed on the road again, enough hands were left to repair the track, and with all the power of determined will and muscle they pushed on to Etowah station, some twenty miles above. Here, most fortunately, Major Cooper's old coal-engine, the "Yonah," one of the first engines on the State road, was standing out fired up. This venerable locomotive was immediately turned upon her old track, and, like an old racer at the tap of the drum,

*From the *Southern Confederacy* of April 15, 1862.

pricked up her ears, and made fine time to Kingston.

The fugitives, not expecting such early pursuit, quietly took in wood and water at Cass station, and borrowed a schedule from the tank-tender upon the plausible plea that they were running a pressed train loaded with powder for Beauregard.

The attentive and patriotic tank-tender, Mr. William Russell, said he gave them his schedule, and would have sent the shirt off his back to Beauregard if it had been asked for. Here the adventurous fugitives inquired which end of the switch they should go in on at Kingston. When they arrived at Kingston they stopped, went to the agent there, told the powder-story, readily got the switch-key, went on the upper turn-out, and waited for the down way freight-train to pass. To all inquiries they replied with the same powder-story. When the freight-train had passed they immediately proceeded on the next station, Adairsville, where they were to meet the regular down freight-train.

At some point on the way they had taken on some fifty cross-ties, and before reaching Adairsville they stopped on a curve, tore up the rails, and put seven cross-ties on the track, no doubt intending to wreck this down freight-train which would be along in a few minutes. They had out upon the engine a red handkerchief as a kind of flag or signal, which, in railroading, means another train is behind, thereby indicating to all that the regular passenger-train would be along presently. They stopped a moment at Adairsville, and said Fuller, with the regular passenger-train, was behind, and would wait at Kingston for the freight-train, and told the conductor thereon to push ahead and meet him at that point. They passed on to Calhoun, where they met the down passenger-train due here at twenty minutes past four P.M., and without making any stop they proceeded on, on, and on.

But we must return to Fuller and his party, whom we have unconsciously left on the old "Yonah," making their way to Kingston. Arriving there, and learning the adventurers were but twenty minutes ahead, they left the "Yonah" to blow off while they mounted the engine of the Rome Branch road, which was ready fired up, and waiting for the arrival of the passenger-train nearly due, when it would have proceeded to Rome. A large party of gentlemen volunteered for the chase, some at Acworth, Allatoona, Kingston, and other points, taking such arms as they could lay their hands on at the moment, and with this fresh engine they set out with all speed, but with "great care and caution," as they had scarcely time to make Adairsville before the down freight-train would leave that point. Sure enough they discovered this side of Adairsville three rails torn up, and other impediments in the way. They "took up" in time to prevent an accident, but could proceed with the train no further. This was most vexatious, and it may have been in some degree disheartening, but it did not cause the slightest relaxation of efforts, and, as the re-

sult proved, was but little in the way of the *dead game*, pluck and resolution of Fuller and Murphy, who left the engine and again *put out on foot alone*. After running two miles they met the down freight-train one mile out from Adairsville. They immediately reversed the train and run backwards to Adairsville, put the cars on the siding and pressed forward, making fine time to Calhoun, where they met the regular down passenger-train. Here they halted a moment, took on board a telegraph operator and a number of men, who again volunteered, taking their guns along, and continued the chase. Mr. Fuller also took in here a company of track-hands to repair the track as they went along. A short distance above Calhoun they *flushed their game* on a curve, where they doubtless supposed themselves out of danger, and were quietly oiling the engine, taking up the track, etc. Discovering that they were pursued, they mounted and sped away, throwing out upon the track as they went along the heavy cross-ties they had prepared themselves with. This was done by breaking out the end of the hindmost box-car and pitching them out. Thus "nip and tuck" they passed with fearful speed Resaca, Tilton, and on through Dalton. The rails which they had taken up last they took off with them, besides throwing out cross-ties upon the track occasionally, hoping thereby the more surely to impede the pursuit; but all this was like tow to the touch of fire to the now thoroughly aroused, excited, and eager pursuers. These men, though so much excited and influenced by so much determination, still retained their well-known caution, were looking out for this danger, and discovered it, and though it was seemingly an insuperable obstacle to their making any headway in pursuit, was quickly overcome by the genius of Fuller and Murphy. Coming to where the rails were torn up, they stopped, tore up the rails behind them and laid them down before till they had passed over that obstacle. When the cross-ties were reached they hauled to and threw them off, and then proceeded, and under these difficulties gained on the frightened fugitives. At Dalton they halted a moment. Fuller put off the telegraph operator, with instructions to telegraph to Chattanooga to have them stopped in case he should fail to overhaul them. Fuller pressed on in hot chase, sometimes in sight, as much to prevent their cutting the wires before the message could be sent, as to catch them. The daring adventurers stopped just opposite, and very near to, where Colonel Glenn's regiment is encamped, and cut the wires; but the operator at Dalton *had put the message through about two minutes before*. They also again tore up the track, cut down a telegraph-pole, and placed the two ends of it under the cross-ties, and the middle over the rail on the track. The pursuers stopped again, and got over this impediment in the same manner they did before—taking up rails behind and laying them down before. Once over this, they shot on and passed through the great tunnel at Tunnel Hill, being only five minutes behind. The fugitives,

finding themselves closely pursued, uncoupled two of the box-cars from the engine, to impede the progress of the pursuers. Fuller hastily coupled them to the front of his engine, and pushed them ahead of him to the first turn-out or siding, where they were left, thus preventing the collision the adventurers intended. Thus the engine-thieves passed Ringgold, where they began to lag. They were out of wood, water, and oil. Their rapid running and inattention to the engine had melted all the brass from the journals. They had no time to repair and refit, for an iron horse of more bottom was close behind. Fuller and Murphy and their men soon came within four hundred yards of them, when the fugitives jumped from the engine and left it—three on the north side, and five on the south—all fleeing precipitately, and scattering through the thicket. Fuller and his party also took to the woods after them. Some gentlemen, also well armed, took the engine and some cars of the down passenger-train at Calhoun, and followed up Fuller and Murphy and their party in the chase but a short distance behind, and reached the place of the stampede but a very few minutes after the first pursuers did.

A large number of men were soon mounted, armed, and scouring the entire country in search of them. Fortunately there was a militia muster at Ringgold. A great many countrymen were in town. Hearing of the chase, they put out on foot and on horseback in every direction in search of the daring but now thoroughly frightened and fugitive men.

We learn that Fuller, soon after leaving his engine, in passing a cabin in the country, found a mule, having on a bridle but no saddle, and tied to a fence. "Here's your mule," he shouted, as he leaped upon his back, and put out as fast as a good switch, well applied, could impart vigor to the muscles and accelerate the speed of the patient donkey. The cry of "Here's your mule," and "Where's my mule?" have become national, and are generally heard when, on the one hand no mule is about, and, on the other, when no one is hunting a mule. It seems not to be understood by any one, though it is a peculiar confederate phrase, and is as popular as Dixie from the Potomac to the Rio Grande. It remained for Fuller, in the midst of this exciting chase, to solve the mysterious meaning of this national by-word or phrase, and give it a practical application.

All of the eight men were captured, and are now safely lodged in jail. The particulars of their capture we have not received. This we hope to obtain in time for a postscript to this, or for our second edition. They confessed that they belonged to Lincoln's army, and had been sent down from Shelbyville to burn the bridges between here and Chattanooga, and that the whole party consisted of nineteen men, eleven of whom were dropped at several points on the road, as they came down, to assist in the burning of the bridges as they went back.

When the morning freight-train which left this city reached Big Shanty, Lieut.-Col. R. F. Mad-

dox and C. P. Phillips took the engine and a few cars, with fifty picked men, well armed, and followed on as rapidly as possible. They passed over all difficulties, and got as far as Calhoun, where they learned the fugitives had taken the woods and were pursued by plenty of men with the means to catch them, if it were possible.

One gentleman who went upon the train from Calhoun, who has furnished us with many of these particulars, and who, by the way, is one of the most experienced railroad men in Georgia, says too much praise cannot be bestowed on Fuller and Murphy, who showed a cool judgment and forethought in this extraordinary affair, unsurpassed by any thing he ever knew in a railroad emergency. This gentleman, we learn from another, offered on his own account one hundred dollars reward on each man for the apprehension of the villains.

We do not know what Governor Brown will do in this case, or what is his custom in such matters, but if such a thing is admissible, we insist on Fuller and Murphy being promoted to the highest honors on the road, if not by actually giving them the highest position, at least let them be promoted by brevet. Certainly their indomitable energy and quick, correct judgment and decision in the many difficult contingencies connected with this unheard-of emergency has saved all the railroad bridges above Ringgold from being burned. The most daring scheme that this revolution has developed has been thwarted, and the tremendous results which, if successful, can scarcely be imagined, much less described, have been averted. Had they succeeded in burning the bridges, the enemy at Huntsville would have occupied Chattanooga before Sunday night. Yesterday they would have been in Knoxville, and thus had possession of all East-Tennessee. Our forces at Knoxville, Greenville, and Cumberland Gap would ere this have been in the hands of the enemy. Lynchburgh, Virginia, would have been moved upon at once. This would have given them possession of the valley of Virginia, and Stonewall Jackson could have been attacked in the rear. They would have possession of the railroad leading to Charlottesville and Orange Court-House, as well as the South-side Railroad leading to Petersburg and Richmond. They might have been able to unite with McClellan's forces, and attack Jo. Johnston's army, front and flank. It is not by any means improbable that our army in Virginia would have been defeated, captured, or driven out of the State this week.

Then reinforcements from all the eastern and south-east portions of the country would have been cut off from Beauregard. The enemy have Huntsville now, and, with all these designs accomplished, his army would have been effectually flanked. The mind and heart shrink back appalled at the bare contemplation of the awful consequences which would have followed the success of this one act. When Fuller, Murphy, and men started from Big Shanty on foot to catch that fugitive engine, they were involuntarily laughed at by the crowd, serious as the matter was, and

to most observers it was indeed most ludicrous; but that foot-race saved us, and prevented the consummation of all these tremendous consequences.

One fact we must not omit to mention is the valuable assistance rendered by Peter Bracken, the engineer on the down freight-train which Fuller and Murphy turned back. He ran his engine fifty and a half miles, (two of them backing the whole freight-train up to Adairsville,) made twelve stops, coupled to the two cars which the fugitives had dropped, and switched them off on sidings; all this in one hour and five minutes.

We doubt if the victory of Manassas or Corinth were worth as much to us as the frustration of this grand *coup d'état*. It is not by any means certain that the annihilation of Beauregard's whole army at Corinth would be so fatal a blow to us as would have been the burning of the bridges at that time by these men.

When we learned, by a private telegraph despatch a few days ago, that the Yankees had taken Huntsville, we attached no great importance to it. We regarded it merely as a dashing foray of a small party to destroy property, tear up the road, etc., *à la* Morgan. When an additional telegram announced the Federal force there to be from seventeen to twenty thousand, we were inclined to doubt it, though coming from a perfectly honorable and upright gentleman, who would not be apt to seize upon a wild report to send here to his friends. The coming to that point with a large force, where they would be flanked on either side by our army, we regarded as a most stupid and unmilitary act. We now understand it all. They were to move upon Chattanooga and Knoxville as soon as the bridges were burnt, and press on into Virginia as far as possible, and take all our forces in that State in the rear. It was all the deepest laid scheme, and on the grandest scale that ever emanated from the brains of any number of Yankees combined. It was one that was also entirely practicable on almost any day for the last year. There were but two miscalculations in the whole programme: They did not expect men to start out afoot to pursue them, and they did not expect these pursuers on foot to find Major Cooper's old "Yonah" standing there all ready fired up. Their calculations on every other point were dead certainties, and would have succeeded perfectly.

This would have eclipsed any thing Captain Morgan ever attempted. To think of a parcel of Federal soldiers, officers and privates, coming down into the heart of the confederate States, for they were here in Atlanta and at Marietta, (some of them got on the train at Marietta that morning and others were at Big Shanty;) of playing such a serious game on the State road, which is under the control of our prompt, energetic, and sagacious Governor, known as such all over America; to seize the passenger-train on his road, right at Camp McDonald, where he has a number of Georgia regiments encamped, and run off with it; to burn the bridges on the same road, and go safely through to the Federal lines; all this would

have been a feather in the cap of the man or men who executed it.

Let this be a warning to the railroad men and every body else in the confederate States. Let an engine never be left alone a moment. Let additional guards be placed at our bridges. This is a matter we specially urged in the *Confederacy* long ago; we hope it will now be heeded. Further, let a sufficient guard be placed to watch the government stores in this city and let increased vigilance and watchfulness be put forth by the watchmen. We know one solitary man who is guarding a house, of nights, in this city, which contains a lot of bacon. Two or three men could throttle and gag him and set fire to the house at any time; and worse, he conceives that there is no necessity for a guard, as he is sometimes seen off duty for a few moments, fully long enough for an incendiary to burn the house he watches. Let Mr. Shackelford, whom we know to be watchful and attentive to his duties, take the responsibility at once of placing a well-armed guard of sufficient force around every house containing government stores. Let this be done without waiting for instructions from Richmond. One other thought: The press is requested, by the government to keep silent about the movements of the army, and a great many things of the greatest interest to our people. It has, in the main, patriotically complied. We have complied in most cases, but our judgment was against it all the while. The plea is, that the enemy will get the news if it is published in our papers. Now, we again ask, what's the use? The enemy get what information they want. They are with us and pass among us almost daily; they find out from us what they want to know by passing through our country unimpeded. It is nonsense, it is folly, to deprive our own people of knowledge they are entitled to and ought to know, for fear the enemy will find it out. We ought to have a regular system of passports over all our roads, and refuse to let any man pass who could not give a good account of himself, come well vouched for, and make it fully appear that he is not an enemy, and that he is on legitimate business. This would keep information from the enemy far more effectually than any reticence of the press, which ought to lay before our people the full facts in every thing of a public nature.

JACOB PARROT was duly sworn and examined, as follows:

By the Judge Advocate:

Question. What is your position in the military service?

Answer. I am a private in company K, Thirty-third Ohio regiment.

Question. What is your age?

Answer. I will be twenty years old next July.

Question. In what part of Ohio did you reside?

Answer. I lived in Hardin county.

Question. You have heard the testimony of Mr. Pittenger. Will you state whether, as far as the matters to which he has deposed have

come to your knowledge, they are true, according to your best information and belief?

Answer. Yes, sir; they are.

Question. You were a member of the expedition of which he has testified?

Answer. Yes, sir.

Question. Will you state the circumstances of your capture and the treatment you received?

Answer. There was a man named Robinson, of our party, who was captured with me. We took to the woods after we left the train, and after a time we came down out of the woods. When we came out on the railroad there were four citizens there, who saw us and took us. We were taken to Ringgold, where a company of confederate soldiers were stationed. When we got into the hands of an officer, one of them took me out and questioned me, but I would not tell them anything. An officer and four soldiers took me out and stripped me, and bent me over a stone and whipped me. They stood by me with two pistols, and said if I resisted they would blow me through. I was whipped by an officer, a lieutenant, who was with the party, and who had on the uniform. He gave me over one hundred lashes with a rawhide. He stopped three different times during the whipping, let me up, and asked me if I would tell, and when I refused to do so he would put me down and whip me again. He wanted me to tell who the engineer of the party was, and all about the expedition, but I would not do it. I did not tell him anything about it. The engineer was one of our soldiers, who was finally captured with the rest.

Question. Were other persons present when you were flogged?

Answer. Yes, sir; there was a crowd there. It was right by the side of the railroad, and the people there wanted to hang me. They got a rope and would have hung me, but for a colonel who came up.

Question. Did you have any trial of any sort?

Answer. No, sir.

Question. Your companion was with you at the time?

Answer. Yes, sir.

Question. Why was he not whipped?

Answer. I do not know. He told the regiment that he and I belonged to. I suppose, as I was the youngest, they thought that they could make me tell the most; but I would not tell them anything, not even the regiment I belonged to.

Question. Will you state the circumstances under which you joined the expedition?

Answer. My captain called me out of the tent and asked me to take a walk with him. We walked down towards the guard-quarters, and he asked me if I would go on a secret expedition, and told me that, if I agreed to go, I should go up to his tent in about half an hour and report to him. I went up and told him I would go.

Question. Did he know the precise object of the expedition?

Answer. No, sir; he only knew that it was a secret one, and so told me.

Question. Will you state how long you felt the effects of the flogging you received?

Answer. I was very sore for about two weeks afterwards; my back was very weak, and I have not got over it yet.

Question. Was any disposition ever manifested, upon the part of the confederate authorities, to relieve you from the effects and sufferings produced by this flogging?

Answer. No, sir; except a short time before I came away from Richmond, when I got a doctor to look at my back, and he put some mustard-plasters on it, which, I think, helped it some.

Question. Were you with Mr. Pittenger, and the others of your party present here, during the confinement of which he has spoken?

Answer. Yes, sir.

Question. At what age did you enlist?

Answer. I enlisted a year ago last fall, when I was a little over eighteen years old.

Question. Have you a father and mother living?

Answer. No, sir.

Question. Will you describe particularly the manner in which you and your fellow-prisoners were chained in the jail at Chattanooga?

Answer. We were all handcuffed together. I and some others had trace-chains around our necks, secured by padlocks; we were secured in that way, two by two.

Question. Will you state the character of the food furnished you in your prisons?

Answer. At Chattanooga we got some wheat flour mixed up with a little water and baked, and some spoiled pickled beef. That was all we got, and we had a very small supply at that. We had it only twice a day.

Question. What was your condition in other respects, so far as ventilation and light were concerned, while you were in the prison at Chattanooga?

Answer. We had scarcely any light at all. Frequently we could not see to pick up a pin from off the floor. The windows were very small, and the room was so close, and we were so warm, that we had to take our clothes off entirely. We were covered with vermin. The room was so small that we could not all lie down, and we had to rest ourselves by leaning against the walls. We were not allowed to leave the room under any circumstances while we were confined in it.

Question. Were you searched when you were taken?

Answer. When I and my companion were taken we were searched, and our money all taken from us before we were taken to Chattanooga. It was taken from us by some of the officers, and never returned to us.

his

JACOB X PARROT,
mark.

Company K, Thirty-third Ohio Volunteers.

ROBERT BUFFUM was duly sworn and examined, as follows:

By the Judge Advocate:

Question. What is your position in the service?
 Answer. I am a private in company H, Twenty-first Ohio regiment.

Question. Were you a member of the expedition sent out by General Mitchel, of which Mr. Pittenger and Mr. Parrot have testified?

Answer. Yes, sir.

Question. Have you heard the testimony of those two witnesses?

Answer. Yes, sir.

Question. Have you or not, a personal knowledge of the matters spoken of by them?

Answer. Yes, sir, I have.

Question. Will you state whether, according to the best of your knowledge and belief, the statements which they have made are true?

Answer. Yes, sir, they are.

Question. Is there any thing in addition, which you recollect, that you can state?

Answer. I would say that when the boys were taken out for execution, Mr. Robinson, the one who was taken with Mr. Parrot, and was with him when he was whipped, was taken from a sick-bed to be executed. He was unable to walk.

Question. Was he tied like the rest?

Answer. Yes, sir; his arms were tied behind him, and he was carried out in that condition. Mr. Ross, one of those who was executed, was a Free-Mason; he made himself known to three or four officers who were Masons, and they obtained for him the privilege of writing home to his friends. He was the only one in that party who had that privilege.

Question. Have you any knowledge of money being taken from members of your party?

Answer. We were captured in different parties. Money was taken from us by the officers—from some at the time we were taken, and from others when they were confined in prison. I was with Mr. Wilson, one of those who were executed, and Mr. Dorsey, one of those who escaped, and Mr. Bensinger, who is here. They took all our money away from us. Mr. Wilson and I had ninety-six dollars between us; I had fifty-two dollars myself. They took away all our money, and our revolvers, pocket-knives, and every thing that could be of any use. The money was never returned to us. It was a major who took the money. We four were taken to Ringgold, and when we were taken into the jail we were stripped, our clothes turned inside out and every thing examined. Mr. Bensinger, who was with me when we were captured, was taken before a colonel, who took him into a room and questioned him. That night they took us to Marietta, where we were confined in a dungeon under ground, similar to the one at Chattanooga. The rats were running over us in every direction; there were balls of wool all over the floor that the rats had rolled up. We could hardly get our breath. There were one hundred and fifty guards around the jail to keep the mob from taking us out, as they would have done but for the guard. The next day we were taken to Chattanooga, where we met the rest of the party.

Question. Will you state the circumstances under which you joined the expedition?

Answer. My captain came to me and called me from the tent, and asked me if I was willing to go on a secret expedition, and said that if I was, I should report to him in twenty minutes, or as soon as I could. I asked him the nature of the business, and he said he could not tell me any thing; but if I did not wish to go there would be nothing more said about it. I told him I would go. He then told me to report to the colonel; which I did, and he gave me a pass to Shelbyville, where I was to meet Mr. Andrews at a tavern. Shortly after I arrived there Mr. Andrews appeared. There was a man with me by the name of Wilson, and another by the name of Wood, belonging to the Twenty-first. Mr. Andrews gave me forty dollars to purchase citizen's clothes with. It being all in gold, I got our three suits for the forty dollars. That night, the seventh of April, we commenced our march. About a mile from town Mr. Andrews gathered us together, as we came along in twos and threes, and told us that our object was to destroy the bridges, cut off communications, etc., and he would meet us at Chattanooga. He gave me five men to take through. We met at Chattanooga, where we procured tickets for Marietta. When we got to Marietta we stopped over night, and at four o'clock in the morning took the down-train, arrived at Big Shanty, from seven to nine miles from Marietta, where we seized the engine with three box-cars, which we detached from the rest of the train, and started off. There were four or five regiments encamped within forty or fifty rods of the train as we started. We proceeded about a hundred miles before we left the train and took to the woods. We had no time to destroy the bridges, because we were followed so closely by the other trains that happened to be there that day; and we were delayed also by having to stop to allow other trains to pass us. That delayed us about an hour. We were at a station oiling our engine when the pursuing engine came in sight, and we started off again. We ran at the rate of about sixty miles an hour, and when we thought we had got far enough ahead of them, we would stop, get off and cut the wires so that they could not send information ahead of us, and take up the track so as to delay them, and then start again. Finally our wood and water gave out, and Mr. Andrews told us to shift for ourselves. Mr. Andrews retained his presence of mind until the last moment.

Question. Who acted as the engineer?

Answer. A man by the name of Brown, of the Twenty-first Ohio regiment. He was one of those who escaped after breaking out of the jail at Atlanta.

ROBERT BUFFUM,
 Company H, Twenty-first Ohio Volunteers.

Corporal WILLIAM REDDICK was duly sworn and examined, as follows:

By the Judge Advocate:

Question. Will you state your position in the military service?

Answer. I am a corporal in company B, Thirty-third Ohio regiment.

Question. When and for how long did you enlist?

Answer. I enlisted on the eighteenth of August, 1861, for three years.

Question. Were you a member of the secret expedition sent out by General Mitchel, of which the other witnesses here have testified?

Answer. Yes, sir.

Question. Will you state the circumstances under which you were engaged in that expedition?

Answer. I was sitting by the camp-fire when the captain and second lieutenant called me up to them. The captain told me that there was a secret expedition on hand, and he wished I would go with it, stating that he preferred me before any other of his company, and that he had to furnish a man from his company. He said we were to enter into the enemy's lines, capture a train, and destroy the bridges on the road; that it would be very easily accomplished; that we had a good leader, a man who understood the business, and who had been employed in the service of the United States. He told me that he would give me three quarters of an hour to study upon it, whether I would go or not. I went to my tent, and, after a time, I went up and reported that I would go. He took me to the colonel, and the colonel told me to get all the citizen's clothing that I could procure in camp. I only made out to get two checked shirts of one of our boys who had just returned to camp, and a pair of jeans pants from the cook in the hospital. We were then taken to Shelbyville, where we procured clothes, and then we returned back to the camp for supper. After supper we were taken back to Shelbyville. We went out upon the railroad a mile and a half or two miles, and there we stopped and money was given to us. We were unacquainted, at that time, with each other. We divided into squads. John Wollan and myself went up the railroad about five miles that night. We stopped at a house where there was a light, and represented ourselves as strangers who desired to stop for the night. There was a lady there, a Southern woman, who told us we could not stay in the house, as her children were sick. She told us to go to the negro quarters, if we wished to get out of the rain, for it was raining very hard at the time. We told the negroes there that we were trying to make our way to our command, which we represented to be at Round Gap. This the negroes told to the lady of the house, who came down to see us and desired us to go over to her uncle's, where we could get better accommodations. We did not do so, but went to bed and slept until about four o'clock, when our breakfast was sent to us from the house, and we then started off on the right-hand road and went some seven miles, where we got conveyance to Manchester, and from Manchester we footed it, procuring conveyance along the road as we could get it. We left camp on the seventh of April and got to Chattanooga on the tenth.

On the eleventh we took passage in the cars to Marietta, and arrived there about midnight.

Question. You have heard the narrative of the subsequent events, as given by the witnesses here; does it accord with your recollection of the facts?

Answer. Yes, sir.

Question. Is there any thing in addition that occurs to you that you desire to state?

Answer. I think of nothing else, except that when I was arrested and brought to Chattanooga Mr. Andrews was taken before General Leadbetter, of whom he asked the privilege of sending a flag of truce to our lines, which was denied. We were ironed and confined, and received the same treatment as our comrades.

Question. You were with the witnesses who have deposed here and the other members of the expedition throughout all the time of your confinement in the prisons of the South?

Answer. Yes, sir; except that we were separated a little time; a portion were sent to Knoxville. After we were brought together again we remained together until we were exchanged.

WILLIAM REDDICK,

Company B, Thirty-third Regiment Ohio Volunteers.

WILLIAM BENSINGER was duly sworn and examined, as follows:

By the Judge Advocate:

Question. Will you state your position in the service?

Answer. I am a private in company G, Twenty-fifth Ohio infantry.

Question. In what part of the State did you enlist, and when, and for how long a time?

Answer. I enlisted in Hancock County, Ohio, on the twenty-first of August, 1861, for three years.

Question. Were you a member of this secret expedition sent out by General Mitchel?

Answer. Yes, sir.

Question. Under what circumstances did you become a member of it?

Answer. The day before we started my captain called me one side and told me that he wanted me to report to the colonel the next morning. I asked him if he knew what the colonel wanted with me. He said he supposed it was for a secret expedition, but he could not tell me what. I told him I would go, and reported to the colonel as ordered. The colonel gave me a pass and directed me to report to Mr. Andrews at Shelbyville, at a hotel there. The colonel told me I was to obey the orders of Mr. Andrews, and also told me to procure citizen's clothes; which I did. I went to Shelbyville and reported there, and on the evening of the seventh of April we left. Four of us arrived at Marietta about four o'clock in the afternoon on the eleventh of April. As I learned afterwards, the rest got there some time in the night. The next morning we took the train back, paying our fare to Big Shanty; and while they were at breakfast there, we seized the train.

Question. You have heard the statements of the witnesses who have testified here in regard

to the subsequent events of the expedition, and the facts connected with their confinement in the prisons of the South until you were exchanged at Richmond?

Answer. Yes, sir.

Question. Do you consider these statements correct, and in accordance with your recollection of the facts?

Answer. I do; for I have had personal knowledge of them, and have been with these witnesses throughout the period of their confinement.

Question. Where was General Mitchell's headquarters at the time this expedition set out?

Answer. It was close by the town of Shelbyville, Tennessee, and just across the river—probably forty rods from the town.

Question. Are you acquainted with Sergeant E. A. Mason, of company K, Twenty-first Ohio regiment?

Answer. Yes, sir.

Question. Was he with you as a member of the expedition, and with you during your confinement in the South?

Answer. He was.

Question. Where is he, and why is he not here with you to-day?

Answer. He is in the city, but confined to his room on account of sickness.

WILLIAM BENSINGER,
Company G, Twenty-first Ohio Volunteers.

DISTRICT OF COLUMBIA, Washington County:

I certify that the foregoing depositions of William Pittenger, Jacob Parrot, Robert Buffum, William Reddick, and William Bensinger, were sworn to and subscribed before me this twenty-fifth day of March, in the year 1863.

N. CALLAN,
Justice of the Peace in and for the County of Washington, D. C.

KEY WEST "NEW-ERA" NARRATIVE.

KEY WEST, FLA., November 15, 1862.

By the arrival at this port of the United States steamer Stars and Stripes, from Apalachicola Bay, we have been put in possession of the following interesting story of two Federal prisoners, who, after enduring an immense amount of suffering, indignity, and passing through many hair-breadth escapes, broke from their prison and made their way to the blockading fleet. We give their statement *verbatim*:

We, Mark Wood and Alfred Wilson, are members of company C, Twenty-first Ohio regiment, commanded by Col. Norton, organized in Finley, Ohio. In April last, our regiment formed part of Major-Gen. O. M. Mitchell's division, Brig.-Gen. Sill's brigade. We were stationed at this time in Shelbyville, Tenn. It was proposed to organize a party from our brigade to go on a secret and dangerous expedition, under the orders of a man supposed to be a spy of the commander of the division. Accordingly, the following men were placed under his command:

J. J. Andrews, of Flemingsburgh, Ky., chief of party.

Mark Wood, private, Twenty-first Ohio, resident of Portage, Wood County, Ohio.

Alfred Wilson, private, Twenty-first Ohio, resident of Bowling Green, Wood County, Ohio.

John Reed Porter, Twenty-first Ohio, Finley.

John Scott, Twenty-first Ohio, Finley.

William Bensinger, Twenty-first Ohio, Finley.

Wilson H. Brown, Twenty-first Ohio, Finley.

William Knight, Twenty-first Ohio, Farmer Centre, Ohio.

Sergeant Mason, Twenty-first Ohio, New-Rochester, Wood County, Ohio.

Robert Buffum, Twenty-first Ohio, Tontogany, Wood County, Ohio.

Jacob Parrot, Thirty-third Ohio, Hardin County, Ohio.

Martin J. Hawkins, Thirty-third Ohio, Portsmouth, Ohio.

William Reddick, Thirty-third Ohio, Hanging Rock.

— Slavens, Thirty-third Ohio.

John Wollan, Thirty-third Ohio, Portsmouth, Ohio.

D. A. Dorsey, Thirty-third Ohio, residence unknown.

G. D. Wilson, Second Ohio, Cincinnati.

Marion Ross, Second Ohio, Ross County, Ohio.

William Pittenger, Second Ohio, Marietta, Ohio.

P. G. Shadrack, Second Ohio, formerly from Pennsylvania, but late from Finley.

Samuel Robinson, Thirty-third Ohio, residence unknown.

William Campbell, citizen of Louisville, Ky., but late from Ohio.

We were all told that the service required of us was secret and dangerous, and if we were caught, hanging would be our lot. Accordingly, the whole party were disguised in citizen's dress, and on Monday, April seventh, 1862, we left our camp at Shelbyville, Tenn., and made for Manchester, Tenn. We had the utmost difficulty in avoiding our own pickets, and several of the party were near being shot. At Manchester we represented ourselves as Kentuckians on our way to Chattanooga, to join the rebel army. After leaving Manchester we arrived at a farm owned by a Col. Harris, who, upon being told that we desired to join the confederates, showed us every attention, gave us lodging, and in the morning harnessed his teams, and conveyed four of us to the Cumberland mountains, and furnished us with letters and passes to friends in Chattanooga. At this time the party divided into squads of two and four, and started ahead of each other. All, however, told the same story, and had the same object in making their way to the army lines. We crossed the mountains and followed the course of Battle Creek. During this journey, we frequently stopped at houses in which we found Union men, who endeavored to persuade us to turn back and join the Federal army. Occasionally we were regaled at the farm-house of a secessionist, and received every attention and encouragement. After a journey of five days, with alternate meetings of secession friends and Union dissuaders, we ar-

rived at Chattanooga, where we found eighteen of our party, the other two having previously arrived, and gone on to Marietta, Ga. At Colonel Harris's we met a man who had just run the blockade, and offered one of our party forty dollars to pilot him across the Cumberland mountains. We, however, all refused, and expressed a decision to join the confederate army. This lulled all suspicion, and without delay or hindrance we took the cars for Marietta. Before leaving, however, Andrews, the chief of the party, divided among us seven hundred dollars of confederate scrip, and told us that we were soon to enter upon our dangerous duty, but the first man that got drunk or flinched in the least, he would shoot him dead on the spot; that our object must be accomplished or we must leave our bones in Dixie. He was a man of great determination and force of character, as subsequent events will show. After a journey of about eighteen hours, we arrived at Marietta, Ga., and put up at a tavern. The next morning before daylight we again took the cars, and went back the same road to a place called Big Shanty, a refreshment-saloon on the line of the Georgia and Atlanta State road, where were encamped about twenty thousand confederate troops. It was the general rendezvous for recruits and the organization of regiments. The train contained a number of soldiers as well as citizens, together with a quantity of provisions, and an iron safe containing a large amount of confederate scrip, to pay the troops at Corinth, Miss.; and here it was that we knew the duty we were expected to do, namely, destroy the track and bridges on the line of the road, and thus prevent reinforcements and commissary stores from reaching Virginia, Tennessee, and Georgia. General Mitchel had already cut off communication from Corinth, by holding Huntsville, Ala., and our duty was to destroy the track and bridges from Big Shanty to and beyond Chattanooga, or as far as Bridgeport, Tenn. It must be recollected that this portion of the road is built over innumerable creeks and rivers, and crosses the Tennessee River at Bridgeport, where a fine bridge is erected.

As before stated, our whole party, consisting of twenty, left the cars and divided into squads of three and four, taking stations on each side of the train, Andrews stationing himself at the coupling-pin of the third car. (It must here be stated that a number of our party were engineers, and thoroughly understood the business we had on hand.) One of our engineers was at his post, and found every thing all right. All hands now mounted the cars, although the guard was within three feet of them; the word was given, Andrews drew the coupling-pin, and cried all right. The train, now consisting of three cars and the engine, was started off with as little noise as possible. We soon lost sight of the lights at Big Shanty, and at the first curve the train was stopped, and one of the party (John Scott) climbed the telegraph-pole and cut the wires. We then started, and the next point, at a town name unknown, we tore up the track, and took a rail with us on the car; and thus we continued, tearing up the track

and cutting the wires on the other side, after passing a town. Unfortunately, however, for us, the train was running in a very slow schedule, and we were compelled to switch off and let the down-train pass us. At the first station this occurred, the engineer of the road made his appearance, and was about to step on the engine, when Andrews told him he could not come on board, as this was an extra train to run through to Corinth, and the present party were engaged to carry it there, and in support of the assertion the iron safe was shown. This apparently satisfied the engineer, and we took in wood and water, and again started. A second time we were compelled to switch off, and in order to get the switch-keys, Andrews, who knew the road well, went into the station and took them from the office. This caused considerable excitement, but we quieted it in a measure by stating that our train contained gunpowder for Beauregard, at Corinth, and soon after we again started. About twenty miles south of Dalton, Ga., we came to a bridge, and here we set fire to one of our cars, piled on wood, and left it on the bridge, designing to set it on fire also. At this time the engineer at the Rome branch, suspecting that all was not right, started up the track, and, we suppose, found the rails torn up, and immediately returned to the junction, and took on board a quantity of loose rails, and followed after us. Where we had torn up the rails he immediately laid one, and without stopping to fasten it, started over slowly, and gave chase. Soon he came to the bridge with the burning car, which had not yet caught the bridge. In the mean time we had switched off to let an express pass, which train was duly informed of our character by discovering the track torn up, and stopped, but was soon joined by the Rome engineer, who had succeeded in turning the burning car off the bridge. They then both started for us, laying the track as they went along, which they could do in a much shorter time than we could tear it up. Thus it was they overtook us at work; and as soon as we found ourselves discovered, speed was our hope, and at it we went; but unfortunately for us, our fuel was nearly out, and it was then determined to leave the engine and take to the woods. Accordingly, we stopped and reversed her, intending she should run back upon our pursuers; but in this we failed, as she had not sufficient steam to turn her over, and our object had failed from a combination of unfortunate circumstances. Ten minutes more would have set the bridge on fire, and the Rome engineer, with the rails, could not have followed us, and the down express was entirely useless. It was our intention to have destroyed all the bridges, run into Chattanooga, wait until the evening train passed, and then gone on to Bridgeport, destroyed the bridge over the Tennessee River, and then away for Huntsville, and join General Mitchel.

Our troubles now commenced, and the greatest of all our disasters was the division of our party; 'twas now every man for himself. We started for the Tennessee River, but, being entirely unacquainted with the country, mistook our way,

and after being hunted through the woods and twice fired at, made our escape. Our travels from this time were a succession of hardships and difficulties. We crossed the mountains, made the Tennessee River, where we found a small boat with which we made our way down the river to Stephenson, Ala.; here we found the entire rebel force in a complete state of confusion, occasioned, as we learned, by a visit from our cavalry which had made a dash into the town, captured a few prisoners, and left that morning. We had succeeded in passing through the town safely, when we suddenly came upon a force of rebel cavalry, commanded by Col. Stephenson, who took us prisoners just fourteen days after leaving the balance of our party. We were immediately recognized as belonging to Andrews's party, and after being confined one night in Stephenson, we were taken on the cars to Chattanooga, and confined in jail, where we found the whole party. It was endeavored to make us give the name of the engineer, as they had a terrible fate in wait for him, but not one of the party would divulge his name. A court-martial was ordered for the trial of Andrews, and Pittenger, of the Second Ohio, was taken out as a witness, and by alternate offers of pardon and persecution they endeavored to make him testify against Andrews, but he was true to his word and companions, and the court could gain nothing from him. Andrews and Pittenger were then sent back to us in jail, and we expected nothing less than the whole party would be hung. At this time, about May tenth, Chattanooga was threatened by our forces, and, for safe keeping, we were run off to Madison, Georgia. At Marietta, the cars were stopped by a mob who threatened to drag us from the cars and hang us to a tree, but the officer in charge of the train prevented them from carrying it into execution, by placing a strong guard around the car, and the mob, after a great effort, was dispersed. We arrived in safety at Madison, where, after being kept in confinement three days, we were informed we were to be again taken to Chattanooga, as the Yankees did not intend to try and take that place. Accordingly, we were again taken back to that place, where the whole party, twenty-two in number, were chained with heavy irons, and confined in a dark dungeon thirteen feet square, and for six weeks were fed on half fare, of the most miserable quality. We were stripped of all in our pockets and left without a cent. Again the court-martial was ordered, but this time at Knoxville, and twelve of our party were taken there and confined in large iron cages. The court found seven of them guilty of being spies and lurkers around the camps. Our forces at this time advanced upon Cumberland Gap, and Knoxville was threatened, and, in order that we might be safely kept, the whole party, including the ten at Chattanooga, were sent to Atlanta, Ga. Previous to leaving Chattanooga, Andrews's sentence was read to him, which was that he was to be hung in six days. It was then determined to attempt an escape by cutting through the jail, which was accomplished

in one night, and just at daybreak Andrews twisted his blanket into a form of a rope and succeeded in reaching the fence. John Wollan next followed, but was discovered. Andrews, in attempting to climb the jail guard-fence, was also seen and fired upon by the guard, but succeeded in getting over. Wollan also made a dash and cleared the fence, both then took the river, and for the time escaped. Three days afterwards Andrews was captured and brought back, and seven days elapsed before poor Wollan was found. He had travelled eighty miles down the river, and was twice within hail of the Union gunboats, but was afraid to make himself known. As soon as those two had been brought back, Andrews was chained hands and feet and the irons riveted on, the shackles being of immense weight, and sufficient to have held an ox. The whole party were then run off to Atlanta, Ga. On the seventh of June, Andrews was taken from the jail and hung, or rather strangled to death, for the tree on which they hung him was so low that when his head touched the limb his toes touched the ground, and it was necessary to dig the sand away in order that he could be choked; his irons and shackles were still on him.

After remaining in jail about seven days the provost-marshal came to our cell and took out the seven that were tried at Knoxville, namely, Wilson, Ross, and P. G. Shadrack, of Second Ohio, Slaven and Robinson, Thirty-third Ohio, John Scott, Twenty-first Ohio, and William Campbell, citizen, Louisville, Ky. These were taken from the cell into an adjoining room, and then sentence of death was read to them, and permission refused them to return to their comrades before execution, which took place in half an hour after leaving us. They were hung with cotton ropes, and two of the party broke down, and were allowed to live about an hour, and see them put their comrades in coffins, after which they were again hung up, and their lifeless bodies passed our jail-window in about half an hour. The balance of the party, expecting from day to day to be taken out and hung, still lingered on a most miserable existence for the space of four months. In October last we were told that a court-martial was about to be convened to try us, and expecting neither justice nor mercy at their hands, it was resolved to attempt an escape. Accordingly, on the evening of the fifteenth of October, just as our jailer brought up our supper, we (together with a Capt. Fry, who was confined with us, known as the notorious Captain Fry, *Spy and Bridge-Burner*) rushed from our cell, took the keys and released four other prisoners, and in a body fell upon the guard and disarmed them. We then succeeded in scaling the fence, and took the shortest cut for the woods, distant about a mile.

By this time the guard and sentinels were after us, and as they began to fire upon us, our party scattered and ran, every man for himself. We two, however, kept together and made good our escape. How many of the party were retaken or shot, it is impossible to say. Captain Fry, after being repeatedly shot at, staggered and fell, it is

therefore pretty certain that he was killed. We kept on, and after wandering in the woods for twenty-two days, occasionally coming within hearing of cavalry, and several times being near caught, subsisting upon corn and such things as we could forage, we reached the borders of the Chattahoochee River, and there found a boat with which we came down the stream, and after alternate rowing and drifting, subsisting on raw catfish and berries, we reached Columbus, Ga., but did not venture in the city, as we discovered a great many soldiers there. Again we started off, determined to reach the gulf coast, being told by negroes that our blockading fleet were stationed there. After a journey of eleven days, during which we suffered from hunger and thirst, with scarce sufficient rags left of our clothes to cover our bodies, our feet bruised and lacerated, we succeeded in reaching Apalachicola Bay, on the coast of Florida, and there for the first time in eight months beheld the Flag of the Free, floating proudly from the peak of the United States steamer Somerset; we were taken on board and treated with the utmost kindness. Our rags were exchanged for complete outfits of sailor clothes; our wounds were dressed, and every attention paid us that could be desired. We then realized that we were once more among Union men. From the Somerset we were transferred to the United States steamer Stars and Stripes, in which vessel we arrived at Key West, Florida, on Monday, November tenth, and reported to Col. Morgan, of the Ninetieth regiment New-York volunteers, nearly eight months from the time we left our regiment. In this statement we have omitted many interesting details, which would fill a newspaper entire. It is our intention to proceed to Washington, and from thence join our regiment. We desire to express publicly our heartfelt thanks to the many kind friends we have met since coming within the jurisdiction of the American flag, for the liberal and humane manner in which they have treated us. May that God who has thus far spared our lives protect and watch over them.

We take the following from a late speech of General Prentiss at Washington, which fully corroborates the above statement:

"Arriving at Atlanta, we noticed a procession coming up the street, consisting of two or three wagons. We could not make out what it meant. We had heard of their hanging and lynching Union men, but we did not suspect that this procession had any thing to do with a matter of this kind. But we afterwards learned the sad facts. Eight privates of an Ohio regiment were hung at Atlanta. They had been sent by Gen. Mitchell to do a little work on the railroad and telegraph.

"Coming back, they unfortunately forgot to cut the telegraph lines, by the use of which a force was ordered from Chattanooga to intercept them. The gallant Ohioans were whiling away their leisure hours in prison with a game of euchre when the guard led them out to be hung."

Doc. 50.

REBEL RAIDS IN KENTUCKY.

OFFICIAL REPORT OF GENERAL MORGAN.

HEADQUARTERS MORGAN'S COMMAND, }
KNOXVILLE, TENN., July 30.

To Major-General E. Kirby Smith, Commanding Department of East-Tennessee:

GENERAL: I have the honor to report that, upon the day of the engagement at Tompkinsville, a full report of which I have already sent you, I moved my command—consisting of my own regiment, the Georgia regiment of partisan rangers, commanded by Colonel A. A. Hunt, and Major Gano's Texas squadron, to which was attached two companies of Tennessee cavalry—in the direction of Glasgow, which place I reached at twelve o'clock that night.

There were but few troops in the town, who fled at our approach. The commissary stores, clothing, etc., together with a large supply of medical stores, found in Glasgow, were burned, and the guns were distributed among my command—about two hundred of whom were unarmed when I left Knoxville.

From Glasgow I proceeded along the main Lexington road to Barren River, halting for a time near Cave City—my object being to induce the belief that I intended destroying the railroad bridge between Bowling Green and Woodsonville. I caused wires, connecting with a portable battery that I carried with me, to be attached to the telegraph line near Horse Cave, and intercepted a number of despatches.

At Barren River I detached three companies under Capt. Jack Allen, to move forward rapidly and destroy Salt River bridge, that the troops along the line of railroad might be prevented from returning to Louisville.

On the following morning I moved on towards Lebanon, distant thirty-five miles from Barren River. At eleven o'clock at night I reached the bridge over Rolling Fork, six miles from Lebanon. The enemy had received information of my approach from their spies, and my advance-guard was fired upon at the bridge. After a short fight the force at the bridge was dispersed, and the planks, which had been torn up, having been replaced, the command moved forward to Lebanon. About two miles from the town a skirmish took place between two companies that I caused to dismount and deploy, and a force of the enemy posted upon the road, which was soon ended by its dispersion and capture. Lieut.-Colonel A. Y. Johnson, commanding the troops in town, surrendered, and I entered the place. The prisoners taken, in number about sixty-five, were paroled.

I took immediate possession of the telegraph and intercepted a despatch to Col. Johnson, informing him that Col. Owen, with the Sixtieth Indiana regiment, had been sent to his assistance; so I at once despatched a company of Texan Rangers, under Major Gano, to destroy the railroad

bridge on the Lebanon branch, which he successfully accomplished in time to prevent the arrival of the troops. I burned two long buildings full of commissary stores, consisting of upward of five hundred sacks of coffee and a large amount of all other supplies in bulk, marked for the army at Cumberland Gap. I also destroyed a very large amount of clothing, boots, etc. I burned the hospital buildings, which appeared to have been recently erected and fitted up, together with about thirty-five wagons and fifty-three new ambulances. I found in the place a large store of medicines, five thousand stand of arms with accoutrements, about two thousand sabres, and an immense quantity of ammunition, shell, etc. I distributed the best arms among my command, and loaded one wagon with them, to be given to the recruits that I expected to join me. I also loaded one wagon with ammunition. The remainder of the arms, ammunition, and the hospital and medical stores I destroyed.

While in Lebanon, I ascertained from telegraphic despatches that I intercepted, that the force which had been started from Lebanon Junction to reinforce Lieut.-Colonel Johnson, had met and driven back the force under Capt. Jack Allen, killing one of his men, and preventing him from accomplishing the purpose for which he had been detailed.

I proceeded from Lebanon on the following day through Springfield to Macksville, at which point I was attacked by home guards. Two of my men were taken prisoners, and one severely wounded. I remained at Macksville that night to recover the prisoners, which I did early the next morning. I then left for Harrodsburgh, capturing a Federal captain and lieutenant on the road; reached Harrodsburgh at half-past twelve o'clock, and found that the home guard of all that portion of country had fled to Lexington. A force was also stationed on the bridge where the Lexington road crossed the Kentucky River. My reception at this place was very encouraging. The whole population appeared to turn out and vie with each other as who should show us most attention.

I left Harrodsburgh at six o'clock the same evening, and moved to Lawrenceburgh, twenty miles distant, threatening Frankfort in order to draw off the troops from Georgetown. Remained there until the return of my courier from Frankfort, who brought the information that there was a force in Frankfort of two or three thousand men, consisting of home guards collected from the adjacent counties, and a few regular troops.

From Lawrenceburgh I proceeded to Shryke's Ferry, on the Kentucky River, raised the boat, which had been sunken, and crossed that evening, reaching Versailles at seven o'clock. I found this place abandoned by its defenders, who had fled to Lexington; remained there that night, and on the next morning marched toward Georgetown. While at Versailles I took about three hundred Government horses and mules.

I passed through Midway on the road to Georgetown, and was informed, just before reaching the place, that a train from Frankfort, was nearly due,

with two regiments of Federals. I tore up the track and posted a howitzer to command it, and formed my command along the line of the road; but the train was warned of our presence, and returned to Frankfort. Having taken possession of the telegraph office, I intercepted a despatch asking if the road was clear, and if it would be safe to start the train from Lexington. I replied to send the train, and made preparations to receive it; but it was also turned back and escaped.

I reached Georgetown, twelve miles from Lexington, that evening. Just before entering the town, I was informed that a small force of home guards had mustered to oppose us. I sent them word to surrender their arms, and they should not be molested, but they fled. The people of Georgetown also welcomed us with gladness, and provided my troops with every thing that they needed. I remained at Georgetown two days, during which time I sent out a company under Capt. McMillen to destroy the track between Midway and Lexington, and Midway and Frankfort, and to blow up the stone bridge on that road, which he successfully accomplished. Hearing that a company of home guards were encamped at Stamping Ground, thirteen miles distant, I despatched a company under Capt. Hamilton to break up the encampment, burn the tents and stores, and destroy the guns. This was also accomplished—Capt. Hamilton taking fifteen prisoners and all their guns, and destroying a large amount of medical and commissary supplies. I also, while at Georgetown, sent Captain Castleman, with his company, to destroy the railroad bridges between Paris and Lexington, and report to me at Winchester. This was done.

Determining to move on Paris, with a view of returning, and hearing that the place was being rapidly reinforced from Cynthiana, I deemed it of great importance to cut off the communication from that place, while I drew off the troops that were already there, by a feint on Lexington. I therefore despatched a portion of two companies toward Lexington, with instructions to drive the pickets to the very entrance of the city, while I moved the command toward Cynthiana. When I arrived within three miles of the place I learned that it was defended by a considerable force of infantry, cavalry, and artillery. I despatched the Texas squadron, under Major Gano, to enter the town on the right, and the Georgia regiment to cross the river and get into the rear, while I moved my own regiment, with the artillery under the command of Lieut. J. E. Harris, down the Georgetown pike. A severe engagement took place, which lasted about an hour and a half, before the enemy were driven into the town and compelled to surrender. I took four hundred and twenty prisoners, including about seventy home guards. I regret to have to mention the loss of eight of my men in killed and twenty-nine wounded. The enemy's loss was ninety-four killed and wounded, according to their own account. Their excess in killed and wounded is remarkable, as they fought us from behind stone fences and fired at us from buildings as we charged through the

town. We captured a very fine twelve-pounder brass piece of artillery, together with a large number of small arms, and about three hundred Government horses. The arms and Government stores were burned, and as many of the horses as we could bring with us were kept. I found a very large supply of commissary and medical stores, tents, guns, and ammunition at this place, which I destroyed. The paroled prisoners were sent under an escort to Falmouth, where they took the train for Cincinnati.

I proceeded next morning toward Paris, and was met on the road by a bearer of a flag of truce, offering the unconditional surrender of the place. I reached Paris at four o'clock, remained there that night, and started toward Winchester next morning. As my command was fling out of Paris, on the Winchester pike, I discovered a large force of Federals coming toward the town from the direction of Lexington. They immediately countermarched, supposing, no doubt, that my intention was to get into the rear. This enabled me to bring off my entire command without molestation, with the exception of two of my pickets, who were probably surprised. I reached Winchester that day at twelve o'clock, and remained until four o'clock, when I proceeded toward Richmond. At Winchester I found a number of arms, which were destroyed.

I arrived at Richmond at twelve o'clock that night, and remained until the next afternoon, when I proceeded to Crab Orchard. I had determined to make a stand at Richmond and await reinforcements, as the whole people appeared ready to rise and join me, but I received information that large bodies of cavalry under General Clay Smith, and Colonels Wolsford, Metcalf, Mundy, and Wynkoop, were endeavoring to surround me at this place. So I moved on to Crab Orchard. There I attached my portable battery to the telegraph leading from Stanford to Louisville, and learned the exact position of the enemy's forces, and directed my movements accordingly.

Leaving Crab Orchard at eleven o'clock, I arrived at Somerset, distant twenty-eight miles, at sundown. I took possession of the telegraph, and countermanded all the previous orders that had been given by General Boyle to intercept me, and remained in perfect security all night. I found a very large supply of commissary stores, clothing, blankets, shoes, hats, etc., at this place, which were destroyed. I also found the arms that had been taken from Gen. Zollicoffer, together with large quantities of shell and ammunition, all of which were destroyed. I also burned at this place and Crab Orchard, about one hundred and thirty Government wagons.

From Somerset I proceeded to Monticello, and from thence to between Livingston and Sparta, where my command is now encamped.

I left Knoxville on the fourth day of this month, with about nine hundred men, and returned to Livingston on the twenty-eighth instant, with nearly twelve hundred, having been absent just twenty-four days, during which time I travelled over a thousand miles, captured seventeen towns,

destroyed all the Government supplies and arms in them, dispersed about one thousand five hundred home guards, and paroled nearly one thousand two hundred regular troops. I lost, in killed, wounded, and missing, of the number that I carried into Kentucky, about ninety.

I take great pleasure in testifying to the gallant bravery and efficiency of my whole command. There were individual instances of daring so conspicuous that I must beg the privilege of referring to them. Private Moore, of Louisiana, a member of company A of my regiment, particularly distinguished himself in leading a charge at Cynthiana, which had an important effect in winning the battle. The reports of the regimental commanders, which are enclosed, are respectfully referred to for further instances of individual bravery and efficiency. I feel indebted to all my aids for the promptness with which my orders were executed, and particularly to Col. St. Leger Grenfel, for the assistance which his experience afforded me.

All of which is respectfully submitted.

JOHN H. MORGAN,
Acting Brigadier-General, C.S.A.

R. A. ALSTON, A.A.G.

OFFICIAL REPORT OF ELLSWORTH, THE TELEGRAPHIC OPERATOR.

KNOXVILLE, July 30, 1862.

Captain R. A. Alston, A.A.G.:

On the tenth of July, Gen. Morgan, with myself and a body-guard of fifteen men, arrived at a point one half a mile below Horse Cave, on the Louisville and Nashville Railroad, where I took down the telegraphic wire, and connected my pocket instrument for the purpose of taking off all despatches as they passed through. Owing to a heavy storm prevailing south, the atmospheric electricity prevented me from communicating with Bowling Green or Nashville. The first I heard was Louisville calling Bowling Green. I immediately put on my ground wire southward, noticing particularly at the same time what change it would make in the circuit. It did make it stronger; but the storm mentioned affecting telegraphs more or less, Louisville did not suspicion any thing wrong, and I answered for Bowling Green, when I received the following message:

LOUISVILLE, July 10, 1862.

To S. D. Brown, Bowling Green:

You and Colonel Houghton move together. I fear the force of Colonel H— is too small to venture to Glasgow. The whole force should move together, as the enemy are mounted. We cannot venture to leave the road too far, as they may pass round and ruin it.

J. T. BOYLE,
Brigadier-General Commanding.

I returned the usual signal, "O. K.," after receiving the message.

Louisville immediately called Nashville; and I answered for Nashville, receiving business for two hours. This business was mostly of a private nature, and I took no copies. It could be plainly perceived from the tenor of the messages that

Morgan was in the country, and all orders to send money or valuables were countermanded—as they *supposed*. Little did the operator at Louisville think all his work would have to be repeated the next day. Louisville also sent the news of the day, and thus we were furnished with New-York and Washington dates of that day. During the whole of this time it was raining heavily, and my situation was any thing but an agreeable one—sitting in the mud with my feet in the water up to my knees. At eleven o'clock P.M., the General being satisfied that we had drained Louisville of news, concluded to close for the night, and gave me the following message, dating and signing:

NASHVILLE, July 10, 1862.

To Henry Dent, Provost-Marshal of Louisville:

Gen. Forrest, commanding a brigade, attacked Murfreesboro, routing *our* forces, and is now moving on Nashville. Morgan is reported to be between Scottsville and Gallatin, and will act in concert with Forrest, it is believed. Inform the General commanding. STANLEY MATTHEWS, Provost-Marshal.

I am not aware that General Morgan claims to be a prophet, or the son of a prophet; but Forrest did attack Murfreesboro and rout the enemy.*

On arriving at Lebanon, July twelfth, I accompanied the advance-guard into town, and took possession of the telegraph office immediately. This, as you know, was at half-past three A.M. I adjusted the instrument and examined the circuit. No other operator on the line appeared to be on hand this early. I then examined all the despatches of the day previous. Among them I found the following:

LEBANON, July 11, 1862.

General J. T. Boyle, Louisville, Ky.:

I have positive information that there are four hundred marauders within twenty miles of this place, on the old Lexington road, approaching Lebanon. Send reinforcements immediately.

A. Y. JOHNSON,

Lieutenant-Colonel Commanding.

At half-past seven an operator signing "Z" commenced calling "B," which I had ascertained by the books in the office was the signal for the Lebanon office. I answered the call, when the following conversation between "Z" and myself ensued:

To Lebanon: What news? Any more skirmishing after your last message? Z.

To Z: No. We drove what little cavalry there was away. B.

To B: Has the train arrived yet? Z.

To Z: No. About how many troops on train? B.

To B: Five hundred Sixtieth Indiana, commanded by Colonel Owens. Z.

My curiosity being excited as to what station Z was, and to ascertain without creating any suspicion, I adopted the following plan:

* The taking of Murfreesboro by Forrest was three days afterward—on the eighteenth.

To Z: A gentleman here in the office bets me the cigars you cannot spell the name of your station correctly. B.

To B: Take the bet. L-e-b-a-n-o-n J-u-n-o-t-i-o-n. Is this not right? How did you think I would spell it? Z.

To Z: He gives it up. He thought you would put two b's in Lebanon. B.

To B: Ha! ha! ha! He is a green one. Z.

To Z: Yes, that's so. B.

To Z: What time did the train with soldiers pass, Z? B.

To B: 8.30 last night. Z.

To Z: Very singular where the train is! B.

To B: Yes, it is—let me know when it arrives. Z.

At 8.20 Lebanon Junction called me up and said:

To B: The train has returned. They had a fight with the rebels at New-Hope. The commanding officer awaits orders here. Z.

To Z: Give us the particulars of the fight. Colonel Johnson is anxious to know all about it. B.

To B: Here is Moore's message to General Boyle:

LEBANON JUNCTION, July 12.

To General J. T. Boyle, Louisville:

At eleven o'clock last night, at New-Hope station, part of my command encountered a force of rebel cavalry posted on the county road one half mile south of the railroad. After a brisk fire of musketry for twenty minutes, the enemy was routed and fled. Skirmishers were sent out in different directions, but were unable to find the enemy. At three this morning, apprehending that an effort might be made to destroy the bridges in our rear, we moved down to New-Haven and remained until after daylight, when the train went back to the scene of the skirmish. A Mr. Foreman of Owen County, was found mortally wounded. He reported the rebel force at five hundred and fifty, under command of Captain Jack Allen, and that they had fallen back toward Greensburgh. One horse was killed and three captured. The books of the company were found in the field. Blood was found at different places, showing that the enemy were severely punished. No casualties on our side. Here with train awaiting orders.

O. F. MOORE,
Commanding.

Lebanon Junction being the repeating station for Louisville business, he forwarded the following telegrams just from Louisville—nine o'clock A.M.

LOUISVILLE, July 12.

To Colonel Johnson, Lebanon:

Leave good guard and join Colonel Owens. Pursue the enemy and drive him out. Be cautious and vigorous. Make no delay.

J. T. BOYLE,
Brigadier-General Commanding.

By the following it will appear that Colonel Owens must have been *en route* for Lebanon:

LOUISVILLE, July 2.

Colonel Owens, Lebanon:

You will move after the enemy and pursue him.

J. T. BOYLE,

Brigadier-General Commanding.

Up to the time of our leaving Lebanon, which was about noon, Colonel Owens had not arrived. General Morgan told me I could close my office; and to allay for that evening all suspicion at Lebanon Junction, at not being able to communicate with Lebanon, I despatched to the operator as follows:

To Z: Have been up all night, and am very sleepy. If you have no objections, I will take a nap until two or three o'clock.

B.

To B: All right—don't oversleep yourself.

Z.

Wonder if I did!

We arrived at Midway, between Frankfort and Lexington, on the Louisville and Lexington Railroad, about ten o'clock A.M. the next day. At this place I surprised the operator, who was quietly sitting on the platform at the depot, enjoying himself hugely. Little did he suspect that the much dreaded Morgan was in his vicinity. I demanded of him to call at Lexington and inquire the time of day, which he did. This I did for the purpose of getting his style of handling the "Key" in writing despatches. My first impressions of his style, from noticing the paper in the instrument, were confirmed. He was, to use a telegraphic term, a "Plug" operator. I adopted his style of writing, and commenced operations. In this office I found a signal-book, which proved to be very useful. It contained the calls for all the offices. Despatch after despatch was going to and from Lexington, Georgetown, Paris, and Frankfort, all containing something in reference to Morgan.

On commencing operations at this place, I discovered that there were two wires on the line along this railroad. One was what we term a "through-wire," running direct from Lexington to Frankfort, and not entering any of the way-offices. I found that all military messages were sent over that wire. As it did not enter Midway office, I ordered it cut, thus forcing Lexington on to the wire that did run through the office.

I tested the line, and found that by applying my ground-wire it made no difference with the circuit; and, as Lexington was headquarters, I cut Frankfort off. Midway was called. I answered and received the following:

LEXINGTON, July 15, 1862.

To J. W. Woolums, Operator, Midway:

Will there be any danger in coming to Midway. Is every thing right?

TAYLOR,
Conductor.

I inquired of my prisoner (the operator) if he knew a man by the name of Taylor. He said that Taylor was conductor. I immediately gave Taylor the following reply:

MIDWAY, July 15, 1862.

To Taylor, Lexington:

All right—come on—no signs of any rebels here.

WOOLUMS.

The operator in Cincinnati then called Frankfort. I answered, and received about a dozen unimportant despatches. He had no sooner finished, when Lexington called Frankfort. Again I answered, and received the following message:

LEXINGTON, July 15.

To General Fennell, Frankfort:

I wish you to move the forces at Frankfort on the line of the Lexington Railroad immediately, and have the cars follow and take them up as soon as possible. Further orders will await them at Midway. I will, in three or four hours, move forward on the Georgetown pike; will have most of my men mounted. Morgan left Versailles this morning at eight o'clock, with eight hundred and fifty men, on the Midway road, moving in the direction of Georgetown.

Brigadier-General WARD.

This being our position and intention exactly, it was thought proper to throw General Ward on some other track. So in the course of half an hour I manufactured and sent the following despatch, which was approved by General Morgan:

MIDWAY, July 15, 1862.

To Brigadier-General Ward, Lexington:

Morgan, with upward of one thousand men, came within a mile of here, and took the old Frankfort road, bound, as we suppose, for Frankfort. This is reliable.

WOOLUMS,
Operator.

In about ten minutes Lexington again called Frankfort, when I received the following:

LEXINGTON, July 15, 1862.

To General Fennell, Frankfort:

Morgan, with more than one thousand men, came within a mile of here, and took the old Frankfort road.

This despatch received from Midway, and is reliable. The regiment from Frankfort had better be recalled.

General WARD.

I receipted for this message, and again manufactured a message to confirm the information General Ward had received from Midway, and not knowing the tariff from Frankfort to Lexington, I could not send a formal message; so, appearing greatly agitated, I waited until the circuit was occupied, and broke in, telling them to wait a minute, and commenced calling Lexington. He answered with as much gusto as I called him. I telegraphed as follows:

Frankfort to Lexington: Tell General Ward our pickets are just driven in. Great excitement. Pickets say the force of enemy must be two thousand.

OPERATOR.

It was now two o'clock P.M., and Gen. Morgan wished to be off for Georgetown. I run a secret ground connection, and opened the circuit on the Lexington end. This was to leave the impression that the Frankfort operator was skedaddling.

or that Morgan's men had destroyed the telegraph.

We arrived at Georgetown at about the setting of the sun. I went to the telegraph office, found it locked, inquired for the operator, who was pointed out to me on the street. I hailed him and demanded admission into his office. He very courteously showed me in. Discovering that his instruments had been removed, I asked where they were. He said that he sent them to Lexington. I asked him what time he had Lexington last. He said: "Nine o'clock, and since that time the line had been down." I remarked that it must be an extraordinary line to be in working condition when it was down, as I heard him sending messages to Lexington when I was at Midway at one o'clock. This was a stunner; he had nothing to say. I immediately tested the line by applying the ends of the wires to my tongue, and found the line "O. K." I said nothing to him, but called for a guard of two men to take care of Mr. Smith until I got ready to leave town. I did not interrupt the lines till after tea, when I put in my own instruments, and after listening an hour or two to the Yankees talking, I opened the conversation as follows, signing myself, "Federal Operator."

To Lexington: Keep mum; I am in the office reading by the sound of my magnet in the dark. I crawled in when no one saw me. Morgan's men are here, camped on Dr. Gano's place.

GEORGETOWN.

To Georgetown: Keep cool; don't be discovered. About how many rebels are there?

LEXINGTON.

To Lexington: I don't know; I did not notice. As Morgan's operator was asking me about my instruments, I told him I sent them to Lexington. He said d—n the luck, and went out.

GEORGETOWN.

To Georgetown: Be on hand and keep us posted.

LEXINGTON.

To Lexington: I will do so. Tell General Ward I'll stay up all night if he wishes.

GEORGETOWN.

To Georgetown: Mr. Fulton wishes to know if the rebels are there.

CINCINNATI.

To Cincinnati: Yes, Morgan's men are here!

GEORGETOWN.

To Georgetown: How can you be in the office and not be arrested?

CINCINNATI.

To Cincinnati: Oh! I am in the dark, and am reading by the sound of the magnet.

GEORGETOWN.

This settled Cincinnati. Question after question was asked me about the rebels, and I answered to suit myself.

Things had been going on this way about two hours, when Lexington asked me where my assistant was. I replied: "Don't know." He then asked me: "Have you seen him to-day?" I replied: "No." This was the last telegraphing I could do in Georgetown.

I then called on Mr. Smith, the operator, who was under guard in my room, and informed him that I would furnish him with a mule in the

morning, and should be pleased to have him accompany me to Dixie, as I understood he was in the employ of the United States Government. This was any thing but agreeable to him. I thought I had struck the young man in the right place, and remarked that had he not sent his instruments to Lexington, I should have taken them in preference to his person. His face brightened, and an idea struck him very forcibly, from which he made a proposition. It was to furnish me the instruments if I would release him.

This I agreed to, as such instruments were of much more value to the Confederacy than Yankee telegraphers. I accompanied him to the servant's room, and there, under the bed, in a chest, we found the instruments. Mr. Smith having given me his word on honor that he would not leave town for the next twenty-four hours, he was set at liberty to visit his wife and the young Smiths.

On arriving at Cynthiaana, I found that the operator had skeddaddled. I tested the wires and found no fluid from either Covington or Lexington, nor were the wires in working order when I left the office next day.

At Paris the operator had made a clean sweep. He left the night before, taking all his instruments.

At Crab Orchard there was no office, and I had to put in my pocket magnet, which I did at eleven A.M. The first message I received was the following:

LOUISVILLE, July 21, 1862.

To Colonel Wolford, Danville:

Pursue Morgan. He is at Crab Orchard, going to Somerset.

BOYLE.

No sooner had the Danville operator receipted for this than the operator at Lebanon suggested the following:

To Lebanon Junction: Would it not be well for Danville and offices below here to put on their ground-wires when they send or receive important messages, as George Ellsworth, the rebel operator, may be on the line between here and Cumberland Gap?

LEBANON.

The operator at the Junction agreed with him, and said it would be a good idea, but it was not carried into effect.

We arrived at Somerset that evening. I took charge of the office. I ascertained from citizens that it had been closed for three weeks, up to the very hour that our advance-guard arrived in town. It was just opened by the operator from Loudon, who came to work the instruments for the purpose of catching Morgan; but unfortunately for Uncle Sam, the operator and all concerned, he had no time to either send or receive a message, but he had it in fine working condition for me. I had been in the office for some time, when Stanford called Somerset, and said:

"I have just returned from Crab Orchard, where I have been to fix the line. The rebels tore it down. I left there at eight o'clock. The Ninth Pennsylvania cavalry had not then arrived. What time did you get in from Loudon?"

STANFORD.

To Stanford: Just arrived and got my office working finely. **SOMERSET.**

To Somerset: Any signs of Morgan yet? He left Crab Orchard at eleven-thirty to-day.

STANFORD.

To Stanford: No signs of him as yet.

SOMERSET.

To Somerset: For fear they may take you by surprise, I would suggest we have a private signal. What say you?

STANFORD.

To Stanford: Good. Before signing we will make the figure 7.

SOMERSET.

This was mutually agreed upon.

I asked when Woolford would be at Somerset. He said Woolford had telegraphed Boyle that his force was green and insufficient to attack Morgan.

Seeing there was no use of my losing a night's rest, I told Stanford I would retire; that I had made arrangements with the pickets to wake me up in case Morgan came in. The operator at Lebanon Junction urged me to sit up, but I declined on the ground of being unwell. This did not satisfy him, but after arguing with him for some time, I retired.

July 22.—Opened the office at seven o'clock A.M.; informed the Stanford operator that Morgan had not yet arrived; made inquiries about different things, and after every thing in the town belonging to the United States was destroyed, the General gave me a few messages to send—one to Prentice, one to Gen. Boyle, and one to Dunlap. They are hereto annexed.

I then telegraphed home, informing my relatives of my whereabouts, what I was doing, etc. I then transmitted the General's despatches as follows:

SOMERSET, July 22, 1862.

George D. Prentice, Louisville:

Good morning, George D. I am quietly watching the complete destruction of all of Uncle Sam's property in this little burg. I regret exceedingly that this is the last that comes under my supervision on this route. I expect in a short time to pay you a visit, and wish to know if you will be at home.

All well in Dixie.

JOHN H. MORGAN.
Commanding Brigade.

General J. T. Boyle, Louisville:

Good morning, Jerry. This telegraph is a great institution. You should destroy it, as it keeps you too well posted. My friend Ellsworth has all your despatches since the tenth of July on file. Do you wish copies?

JOHN H. MORGAN.
Commanding Brigade.

Hon. Geo. W. Dunlap, Washington City:

Just completed my tour through Kentucky—captured seventeen cities, destroyed millions of dollars' worth of United States property—passed through your county, but regret not seeing you. We paroled fifteen hundred rebel prisoners.

Your old friend,

JOHN H. MORGAN.
Commanding Brigade.

**HEADQUARTERS TELEGRAPH DEPARTMENT OF KENTUCKY,
CONFEDERATE STATES OF AMERICA,
GEORGETOWN, KY, July 16.**

GENERAL ORDER, No. 1.

When an operator is positively informed that the enemy is marching on his station, he will immediately proceed to destroy the telegraph instruments and all material in his charge. Such instances of carelessness as were exhibited on the part of the operators at Lebanon, Midway and Georgetown, will be severely dealt with.

By order of G. A. ELLSWORTH,
Gen. Mil. Sup't. C. & S. Telegraph Department.

Doc. 51.

THE NEGROES AT PORT ROYAL, S. C.

REPORT OF THE GOVERNMENT AGENT.

PORT ROYAL, February 3, 1862.

To the Hon. Salmon P. Chase, Secretary of the Treasury:

DEAR SIR: My first communication to you was mailed on the third day after my arrival. The same day I mailed two letters to benevolent persons in Boston, mentioned in my previous communications to you, asking for contributions of clothing, and for a teacher or missionary to be sent, to be supported by the charity of those interested in the movement, to both of which favorable answers have been received. The same day I commenced a tour of the larger islands, and ever since have been diligently engaged in anxious examination of the modes of culture—the amount and proportions of the products—the labor required for them—the life and disposition of the laborers upon them—their estimated numbers—the treatment they have received from their former masters, both as to the labor required, the provisions and clothing allowed, and the discipline imposed—their habits, capacities, and desires, with special reference to their being fitted for useful citizenship—and generally whatever concerned the well-being, present and future, of the territory and its people. Visits have also been made to the communities collected at Hilton Head and Beaufort, and conferences held with the authorities, both naval and military, and other benevolent persons interested in the welfare of these people, and the wise and speedy reorganization of society here. No one can be impressed more than myself with the uncertainty of conclusions drawn from experiences and reflections gathered in so brief a period, however industriously and wisely occupied. Nevertheless, they may be of some service to those who have not been privileged with an equal opportunity.

Of the plantations visited, full notes have been taken of seventeen, with reference to number of negroes in all; of field-hands; amount of cotton and corn raised, and how much per acre; time and mode of producing and distributing manure; listing, planting, cultivating, picking, and ginning cotton; labor required of each hand; allowance of food and clothing; the capacities of the labor-

ers; their wishes and feelings, both as to themselves and their masters. Many of the above points could be determined by other sources, such as persons at the North familiar with the region, and publications. The inquiries were, however, made with the double purpose of acquiring the information and testing the capacity of the persons inquired of. Some of the leading results of the examination will now be submitted.

An estimate of the number of plantations open to cultivation, and of the persons upon the territory protected by the forces of the United States, if only approximate to the truth, may prove convenient in providing a proper system of administration. The following islands are thus protected, and the estimated number of plantations upon each is given:

Port Royal, ...	65
Ladies', ...	80
Paris, including Horse, ...	6
Cat, ...	1
Cane, ...	1
Dathaw, ...	4
Coosaw, ...	2
Morgan, ...	2
St. Helena, ...	50
Hilton Head, ...	16
Pinckney, ...	5
Bull, including Barratria, ...	2
Daufuskie, ...	5
Hutchinson and Fenwick, ...	6

195

Or about two hundred in all.

There are several other islands thus protected, without plantations, as Otter, Pritchard, Fripp, Hunting, and Phillips. Lemon and Daw have not been explored by the agents engaged in collecting cotton.

The populous island of Edisto lying in the direction of Charleston, and giving the name to the finest cotton, is still visited by the rebels. A part near Botany Bay Island is commanded by the guns of one of our war vessels, under which a colony of one thousand negroes sought protection, where they have been temporarily subsisted from its stores. The number has within a few days been stated to have increased to two thousand three hundred. Among these great destitution is said to prevail. Even to this number, as the negroes acquire confidence in us, large additions are likely every week to be made. The whole island can be safely farmed as soon as troops can be spared for the purpose of occupation. But not counting the plantations of this island, the number on Port Royal, Ladies', St. Helena, Hilton Head, and the smaller islands, may be estimated at two hundred.

In visiting the plantations, I endeavored to ascertain with substantial accuracy the number of persons upon them, without, however, expecting to determine the precise number. On that of Thomas Aston Coffin, at Coffin Point, St. Helena, there were two hundred and sixty, the lar-

gest found on any one visited. There were one hundred and thirty on that of Dr. J. W. Jenkins, one hundred and twenty on that of the Eustis estate, and on the others from eighty to thirty-eight, making an average of eighty-one to a plantation. These, however, may be ranked along the best peopled plantations, and forty to each may be considered a fair average. From these estimates there results a population of eight thousand negroes on the islands now safely protected by our forces.

Of the six hundred at the camp at Hilton Head, about one half should be counted with the aforesaid plantations whence they have come. Of the six hundred at Beaufort, one third should also be reckoned with the plantations. The other fraction in each case should be added to the eight thousand in computing the population now thrown on our protection.

The negroes on Ladies' and St. Helena Islands, have quite generally remained on their respective plantations, or if absent, but temporarily, visiting wives or relatives. The dispersion on Port Royal and Hilton Head Islands has been far greater, the people of the former going to Beaufort in considerable numbers, and of the latter to the camp at Hilton Head.

Counting the negroes who have gone to Hilton Head and Beaufort from places now protected by our forces as still attached to the plantations, and to that extent not swelling the eight thousand on plantations, but adding thereto the usual negro population of Beaufort, as also the negroes who have fled to Beaufort and Hilton Head from places not yet occupied by our forces, and adding also the colony at Edisto, and we must now have thrown upon our hands, for whose present and future we must provide, from ten thousand to twelve thousand persons—probably nearer the latter than the former number. This number is rapidly increasing. This week, forty-eight escaped from a single plantation near Grahamville, on the main land, held by the rebels, led by the driver, and after four days of trial and peril, hidden by day and threading the waters with their boats by night, evading the enemy's pickets, joyfully entered our camp at Hilton Head. The accessions at Edisto are in larger number, and according to the most reasonable estimates, it would only require small advances by our troops, not involving a general engagement or even loss of life, to double the number which would be brought within our lines.

A fact derived from the census of 1860 may serve to illustrate the responsibility now devolving on the Government. This county of Beaufort had a population of slaves in proportion of $82\frac{1}{2}\%$ of the whole—a proportion only exceeded by seven other counties in the United States, namely, one in South-Carolina, that of Georgetown; three in Mississippi, those of Bolivar, Washington, and Issaquena; and three in Louisiana, those of Madison, Tensas, and Concordia.

An impression prevails that the negroes here have been less cared for than in most other rebel districts. If this be so, and a beneficent reform

shall be achieved here, the experiment may anywhere else be hopefully attempted.

The former white population, so far as can be ascertained, are rebels, with one or two exceptions. In January, 1861, a meeting of the planters on St. Helena Island was held, of which Thomas Aston Coffin was chairman. A vote was passed, stating its exposed condition, and offering their slaves to the Governor of South-Carolina, to aid in building earth works, and calling on him for guns to mount upon them. A copy of the vote, probably in his own handwriting, and signed by Mr. Coffin, was found in his house.

It is worthy of note that the negroes now within our lines are there by the invitation of no one; but they were on the soil when our army began its occupation, and could not have been excluded, except by violent transportation. A small proportion have come in from the main land, evading the pickets of the enemy and our own, something easily done in an extensive country, with whose woods and creeks they are familiar.

The only exportable crop of this region is the long staple Sea Island cotton, raised with more difficulty than the coarser kind, and bringing a higher price. The agents of the Treasury Department expect to gather some two million five hundred thousand pounds of ginned cotton the present year, nearly all of which had been picked and stored before the arrival of our forces. Considerable quantities have not been picked at all, but the crop for this season was unusually good. Potatoes and corn are raised only for consumption on the plantations—corn being raised at the rate of only twenty-five bushels per acre.

Such features in plantation life as will throw light on the social questions now anxiously weighed deserve notice.

In this region, the master, if a man of wealth, is more likely to have his main residence at Beaufort, sometimes having none on the plantation, but having one for the driver, who is always a negro. He may, however, have one, and an expensive one, too, as in the case of Dr. Jenkins, at St. Helena, and yet pass most of his time at Beaufort, or at the North. The plantation in such cases is left almost wholly under the charge of an overseer. In some cases there is not even a house for an overseer, the plantation being superintended by the driver, and being visited by the overseer living on another plantation belonging to the same owner. The houses for the overseers are of an undesirable character. Orchards of orange or fig-trees are usually planted near them.

The field-hands are generally quartered at some distance—eighty or one hundred rods—from the overseer's or master's house, and are ranged in a row, sometimes in two rows, fronting each other. They are sixteen feet by twelve, each appropriated to a family, and in some cases divided with a partition. They numbered, on the plantations visited, from ten to twenty, and on the Coffin plantation they are double, numbering twenty-three double houses, intended for forty-six families. The yards seemed to swarm with children, the negroes coupling at an early age.

Except on Sundays, these people do not take their meals at a family table, but each one takes his hominy, bread, or potatoes, sitting on the floor or a bench, and at his own time. They say their masters never allowed them any regular time for meals. Whoever, under our new system, is charged with their superintendence should see that they attend more to the cleanliness of their persons and houses, and that, as in families of white people, they take their meals together at a table—habits to which they will be more disposed when they are provided with another change of clothing, and when better food is furnished and a proper hour assigned for meals.

Upon each plantation visited by me, familiar conversations were had with several laborers, more or less extended as time permitted—sometimes inquiries made of them, as they collected in groups, as to what they desired us to do with and for them, with advice as to the course of sobriety and industry which it was for their interest to pursue under the new and strange circumstances in which they were now placed. Inquiries as to plantation economy, the culture of crops, the implements still remaining, the number of persons in all, and of field-hands, and the rations issued, were made of the drivers, as they are called, answering as nearly as the two different systems of labor will permit to foremen on farms in the free States. There is one on each plantation—on the largest one visited, two. They still remained on each visited, and their names were noted. The business of the driver was to superintend the field-hands generally, and see that their tasks were performed fully and properly. He controlled them, subject to the master or overseer. He dealt out the rations. Another office belonged to him; he was required by the master or overseer, whenever he saw fit, to inflict corporal punishment upon the laborers; nor was he relieved from this office when the subject of discipline was his wife or children. In the absence of the master and overseer, he succeeded to much of their authority. As indicating his position of consequence, he was privileged with four suits of clothing a year, while only two were allowed to the laborers under him. It is evident, from some of the duties assigned to him, that he must have been a person of considerable judgment and knowledge of plantation economy, not differing essentially from that required of the foreman of a farm in the free States. He may be presumed to have known, in many cases, quite as much about the matters with which he was charged as the owner of the plantation, who often passed but a fractional part of his time upon it.

The driver, notwithstanding the dispersion of other laborers, quite generally remains on the plantation, as already stated. He still holds the keys of the granary, dealing out the rations of food, and with the same sense of responsibility as before. In one case I found him in a controversy with a laborer, to whom he was refusing his peck of corn, because of absence with his wife on another plantation when the corn was gathered—it being gathered since the arrival of our army.

The laborer protested warmly that he had helped to plant and hoe the corn, and was only absent as charged because of sickness. The driver appealed to me, as the only white man near, and learning from other laborers that the laborer was sick at the time of gathering, I advised the driver to give him his peck of corn, which he did accordingly. The fact is noted as indicating the present relation of the driver to the plantation, where he still retains something of his former authority.

This authority is, however, very essentially diminished. The main reason is, as he will assure you, that he has now no white man to back him. Other reasons may, however, concur. A class of laborers are generally disposed to be jealous of one of their own number promoted to be over them, and accordingly some negroes, evidently moved by this feeling, will tell you that the drivers ought now to work as field-hands, and some field-hands be drivers in their place. The driver has also been required to report delinquencies to the master or overseer, and upon their order to inflict corporal punishment. The laborers will, in some cases, say that he has been harder than he need to have been, while he will say that he did only what he was forced to do. The complainants who have suffered under the lash may be pardoned for not being sufficiently charitable to him who has unwillingly inflicted it, while, on the other hand, he has been placed in a dangerous position, where a hard nature, or self-interest, or dislike for the victim, might have tempted him to be more cruel than his position required. The truth, in proportions impossible for us in many cases to fix, may lie with both parties. I am, on the whole, inclined to believe that the past position of the driver and his valuable knowledge, both of the plantations and the laborers, when properly advised and controlled, may be made available in securing the productiveness of the plantations and the good of the laborers. It should be added that, in all cases, the drivers were found very ready to answer inquiries and communicate information, and seemed desirous that the work of the season should be commenced.

There are also on the plantations other laborers, more intelligent than the average, such as the carpenter, the ploughman, the religious leader, who may be called a preacher, a watchman, or a helper—the two latter being recognized officers in the churches of these people, and the helpers being aids to the watchman. These persons, having recognized positions among their fellows, either by virtue of superior knowledge or devotion, when properly approached by us may be expected to have a beneficial influence on the more ignorant, and help to create that public opinion in favor of good conduct which, among the humblest as among the highest, is most useful. I saw many of very low intellectual development, but hardly any too low to be reached by civilizing influences, either coming directly from us or mediately through their brethren. And while I saw some who were sadly degraded, I met

also others who were as fine specimens of human nature as one can ever expect to find.

Besides attendance on churches on Sundays, there are evening prayer-meetings on the plantations as often as once or twice a week, occupied with praying, singing, and exhortations. In some cases the leader can read a hymn, having picked up his knowledge clandestinely, either from other negroes or from white children. Of the adults, about one half, at least, are members of churches, generally the Baptist, although other denominations have communicants among them. In the Baptist church, on St. Helena Island, which I visited on the twenty-second of January, there were a few pews for the proportionally small number of white attendants, and the much larger space was devoted to benches for colored people. On one plantation there is a negro chapel, well adapted for the purpose, built by the proprietor, the late Mrs. Eustis, whose memory is cherished by the negroes, and some of whose sons are now loyal citizens of Massachusetts. I have heard among the negroes scarcely any profane swearing—not more than twice—a striking contrast with my experience among soldiers in the army.

It seemed a part of my duty to attend some of the religious meetings of these people and learn further about them what could be derived from such a source. Their exhortations to personal piety were fervent, and though their language was many times confused, at least to my ear, occasionally an important instruction or a felicitous expression could be recognized. In one case, a preacher of their own, commenting on the text, "Blessed are the meek," exhorted his brethren not to be "stout-minded." On one plantation on Ladies' Island, where some thirty negroes were gathered in the evening, I read passages of Scripture, and pressed on them their practical duties at the present time with reference to the good of themselves, their children, and their people. The passages read were the first and twenty-third Psalms; the sixty-first chapter of Isaiah, verses one to four; the Beatitudes in the fifth chapter of Matthew; the fourteenth chapter of John's Gospel, and the fifth chapter of the Epistle of James. In substance I told them that their masters had rebelled against the Government, and we had come to put down the rebellion; that we had now met them, and wanted to see what was best to do for them; that Mr. Lincoln, the President or Great Man at Washington, had the whole matter in charge, and was thinking what he could do for them; that the great trouble about doing any thing for them was that their masters had always told us, and had made many people believe, that they were lazy, and would not work unless whipped to it; that Mr. Lincoln had sent us down here to see if it was so; that what they did was reported to him, or to men who would tell him; that where I came from all were free, both white and black; that we did not sell children or separate man and wife, but all had to work; that if they were to be free, they would have to work, and would be shut up or deprived of privileges if they did not; that this was a critical hour with

them, and if they did not behave well now and respect our agents and appear willing to work, Mr. Lincoln would give up trying to do anything for them, and they must give up all hope of any thing better, and their children and grandchildren a hundred years hence would be worse off than they had been. I told them they must stick to their plantations and not run about and get scattered, and assured them that what their masters had told them of our intention to carry them off to Cuba and sell them was a lie, and their masters knew it to be so, and we wanted them to stay on the plantations and raise cotton, and if they behaved well, they should have wages—small, perhaps, at first; that they should have better food, and not have their wives and children sold off; that their children should be taught to read and write, for which they might be willing to pay something; that by and by they would be as well off as the white people, and we would stand by them against their masters ever coming back to take them. The importance of exerting a good influence on each other, particularly on the young men, who were rather careless and roving, was urged, as all would suffer in good repute from the bad deeds of a few. At Hilton Head, where I spoke to a meeting of two hundred, and there were facts calling for the counsel, the women were urged to keep away from the bad white men, who would ruin them. Remarks of a like character were made familiarly on the plantations to such groups as gathered about. At the Hilton Head meeting, a good-looking man, who had escaped from the southern part of Barnwell District, rose and said, with much feeling, that he and many others should do all they could by good conduct to prove what their masters said against them to be false, and to make Mr. Lincoln think better things of them. After the meeting closed, he desired to know if Mr. Lincoln was coming down here to see them, and he wanted me to give Mr. Lincoln his compliments, with his name, assuring the President that he would do all he could for him. The message was a little amusing, but it testified to the earnestness of the simple-hearted man. He had known Dr. Brisbane, who had been compelled some years since to leave the South because of his sympathy for slaves. The name of Mr. Lincoln was used in addressing them, as more likely to impress them than the abstract idea of government.

It is important to add that in no case have I attempted to excite them by insurrectionary appeals against their former masters, feeling that such a course might increase the trouble of organizing them into a peaceful and improving system, under a just and healthful temporary discipline; and besides, that it is a dangerous experiment to attempt the improvement of a class of men by appealing to their coarser nature. The better course toward making them our faithful allies, and therefore the constant enemies of the rebels, seemed to be to place before them the good things to be done for them and their children, and sometimes reading passages of Scripture appropriate to their lot, without, however, note

or comment, never heard before by them, or heard only when wrested from their just interpretation; such, for instance, as the last chapter of St. James's Epistle, and the Glad Tidings of Isaiah: "I have come to preach deliverance to the captive." Thus treated and thus educated, they may be hoped to become useful coadjutors, and the unconquerable foes of the fugitive rebels.

There are some vices charged upon these people which deserve examination. Notwithstanding their religious professions, in some cases more emotional than practical, the marriage relation, or what answers for it, is not, in many instances, held very sacred by them. The men, it is said, sometimes leave one wife and take another,—something likely to happen in any society where it is permitted or not forbidden by a stern public opinion, and far more likely to happen under laws which do not recognize marriage, and dissolve what answers for it by forced separations, dictated by the mere pecuniary interest of others. The women, it is said, are easily persuaded by white men,—a facility readily accounted for by the power of the master over them, whose solicitation was equivalent to a command, and against which the husband or father was powerless to protect, and increased also by the degraded condition in which they have been placed, where they have been apt to regard what ought to be a disgrace as a compliment, when they were approached by a paramour of superior condition and race. Yet often the dishonor is felt, and the woman, on whose several children her master's features are impressed, and through whose veins his blood flows, has sadly confessed it with an instinctive blush. The grounds of this charge, so far as they may exist, will be removed, as much as in communities of our own race, by a system which shall recognize and enforce the marriage relation among them, protect them against the solicitations of white men as much as law can, still more by putting them in relations where they will be inspired with self-respect and a consciousness of their rights, and taught by a pure and plain-spoken Christianity.

In relation to the veracity of these people, so far as my relations with them have extended, they have appeared, as a class, to intend to tell the truth. Their manner, as much as among white men, bore instinctive evidence of this intention. Their answers to inquiries relative to the management of the plantations have a general concurrence. They make no universal charges of cruelty against their masters. They will say, in some cases, that their own was a very kind one, but another one in that neighborhood was cruel. On St. Helena Island they spoke kindly of "the good William Fripp," as they called him, and of Dr. Clarence Fripp; but they all denounced the cruelty of Alvira Fripp, recounting his inhuman treatment of both men and women. Another concurrence is worthy of note. On the plantations visited, it appeared from the statements of the laborers themselves, that there were, on an average, about one hundred and thirty-three pounds of cotton produced to the acre, and five

acres of cotton and corn cultivated to a hand, the culture of potatoes not being noted. An article of the *American Agriculturist*, published in Turner's *Cotton Manual*, pages 132, 133, relative to the culture of Sea Island Cotton on the plantation of John H. Townsend, states that the land is cultivated in the proportion of seven twelfths cotton, three twelfths corn, and two twelfths potatoes—in all, less than six acres to a hand—and the average yield of cotton per acre is one hundred and thirty-five pounds. I did not take the statistics of the culture of potatoes, but about five acres are planted with them on the smaller plantations, and twenty, or even thirty, on the larger; and the average amount of land to each hand, planted with potatoes, should be added to the five acres of cotton and corn, and thus results not differing substantially are reached in both cases. Thus the standard publications attest the veracity and accuracy of these laborers.

Again, there can be no more delicate and responsible position, involving honesty and skill, than that of pilot. For this purpose, these people are every day employed to aid our military and naval operations in navigating these sinuous channels. They were used in the recent reconnoissance in the direction of Savannah; and the success of the affair at Port Royal Ferry depended on the fidelity of a pilot, William, without the aid of whom, or of one like him, it could not have been undertaken. Further information on this point may be obtained of the proper authorities here. These services are not, it is true, in all respects, illustrative of the quality of veracity, but they involve kindred virtues not likely to exist without it.

It is proper, however, to state that expressions are sometimes heard from persons who have not considered these people thoughtfully, to the effect that their word is not to be trusted, and these persons, nevertheless, do trust them, and act upon their statements. There may, however, be some color for such expressions. These laborers, like all ignorant people, have an ill-regulated reason, too much under the control of the imagination. Therefore, when they report the number of soldiers, or relate facts where there is room for conjecture, they are likely to be extravagant, and you must scrutinize their reports. Still, except among the thoroughly dishonest,—no more numerous among them than in other races,—there will be found a colorable basis for their statements, enough to show their honest intention to speak truly.

It is true also that you will find them too willing to express feelings which will please you. This is most natural. All races, as well as all animals, have their appropriate means of self-defence, and where the power to use physical force to defend one's self is taken away, the weaker animal, or man, or race, resorts to cunning and duplicity. Whatever habits of this kind may appear in these people are directly traceable to the well-known features of their past condition, without involving any essential proneness to deception in the race, further than may be ascribed to

human nature. Upon this point, special inquiries have been made of the Superintendent at Hilton Head, who is brought in direct daily association with them, and whose testimony, truthful as he is, is worth far more than that of those who have had less nice opportunities of observation, and Mr. Lee certifies to the results here presented.

Upon the question of the disposition of these people to work, there are different reports, varied somewhat by the impression an idle or an industrious laborer, brought into immediate relation with the witness, may have made on the mind. In conversations with them, they uniformly answered to assurances that if free they must work, "Yes, massa, we must work to live; that's the law;" and expressing an anxiety that the work of the plantations was not going on. At Hilton Head, they are ready to do for Mr. Lee, the judicious Superintendent, whatever is desired. Hard words and epithets are, however, of no use in managing them, and other parties for whose service they are specially detailed, who do not understand or treat them properly, find some trouble in making their labor available, as might naturally be expected. In collecting cotton, it is sometimes, as I am told, difficult to get them together, when wanted for work. There may be something in this, particularly among the young men. I have observed them a good deal; and though they often do not work to much advantage,—a dozen doing sometimes what one or two stout and well-trained Northern laborers would do, and though less must always be expected of persons native to this soil than of those bred in Northern latitudes, and under more bracing air,—I have not been at all impressed with their general indolence. As servants, oarsmen, and carpenters, I have seen them working faithfully and with a will. There are some peculiar circumstances in their condition, which no one who assumes to sit in judgment upon them must overlook. They are now, for the first time, freed from the restraint of a master, and like children whose guardian or teacher is absent for the day, they may quite naturally enjoy an interval of idleness. No system of labor for them, outside of the camps, has been begun, and they have had nothing to do except to bale the cotton when bagging was furnished, and we all know that men partially employed are, if any thing, less disposed to do the little assigned them than they are to perform the full measure which belongs to them in regular life, the virtue in the latter case being supported by habit. At the camps, they are away from their accustomed places of labor, and have not been so promptly paid as could be desired, and are exposed to the same circumstances which often dispose soldiers to make as little exertion as possible. In the general chaos which prevails, and before the inspirations of labor have been set before them by proper superintendents and teachers who understand their disposition, and show by their conduct an interest in their welfare, no humane or reasonable man would subject them to austere criticism, or make the race responsible for the delinquencies of an idle person, who happened to

be brought particularly under his own observation. Not thus would we have ourselves or our own race judged; and the judgment which we would not have meted to us, let us not measure to others.

Upon the best examination of these people, and a comparison of the evidence of trustworthy persons, I believe that when properly organized, and with proper motives set before them, they will, as freemen, be as industrious as any race of men are likely to be in this climate.

The notions of the sacredness of property as held by these people have sometimes been the subject of discussion here. It is reported that they have taken things left in their masters' houses. It was wise to prevent this, and even where it had been done to compel a restoration, at least of expensive articles, lest they should be injured by speedily acquiring, without purchase, articles above their condition. But a moment's reflection will show that it was the most natural thing for them to do. They had been occupants of the estates; had had these things more or less in charge, and when the former owners had left, it was easy for them to regard their title to the abandoned property as better than that of strangers. Still, it is not true that they have, except as to very simple articles, as soap or dishes, generally availed themselves of such property. It is also stated that in camps where they have been destitute of clothing, they have stolen from each other, but the superintendents are of opinion that they would not have done this if already well provided. Besides, those familiar with large bodies, collected together, like soldiers in camp life, know how often these charges of mutual pilfering are made among them, often with great injustice. It should be added, to complete the statement, that the agents who have been intrusted with the collection of cotton have reposed confidence in the trustworthiness of the laborers, committing property to their charge—a confidence not found to have been misplaced.

To what extent these laborers desire to be free, and to serve us still further in putting down the rebellion, has been a subject of examination. The desire to be free has been strongly expressed, particularly among the more intelligent and adventurous. Every day, almost, adds a fresh tale of escapes, both solitary and in numbers, conducted with a courage, a forecast, and a skill worthy of heroes. But there are other apparent features in their disposition which it would be untruthful to conceal. On the plantations, I often found a disposition to evade the inquiry whether they wished to be free or slaves; and though a preference for freedom was expressed, it was rarely in the passionate phrases which would come from an Italian peasant. The secluded and monotonous life of a plantation, with strict discipline and ignorance enforced by law and custom, is not favorable to the development of the richer sentiments, though even there they find at least a stunted growth, irrepressible as they are. The inquiry was often answered in this way: "The white man do what he pleases with us; we are

yours now, massa." One, if I understood his broken words rightly, said that he did not care about being free, if he only had a good master. Others said they would like to be free, but they wanted a white man for a "protector." All of proper age, when inquired of, expressed a desire to have their children taught to read and write, and to learn themselves. On this point they showed more earnestness than on any other. When asked if they were willing to fight, in case we needed them, to keep their masters from coming back, they would seem to shrink from that, saying that "black men have been kept down so like dogs that they would run before white men." At the close of the first week's observation, I almost concluded that on the plantations there was but little earnest desire for freedom, and scarcely any willingness for its sake to encounter white men. But as showing the importance of not attempting to reach general conclusions too hastily, another class of facts came to my notice the second week. I met then some more intelligent, who spoke with profound earnestness of their desire to be free, and how they had longed to see this day. Other facts, connected with the military and naval operations, were noted. At the recent reconnaissance toward Pulaski, pilots of this class stood well under the fire, and were not reluctant to the service. When a district of Ladies' Island was left exposed, they voluntarily took such guns as they could procure, and stood sentries. Also at Edisto, where the colony is collected under the protection of our gunboats, they armed themselves and drove back the rebel cavalry. An officer here high in command reported to me some of these facts, which had been officially communicated to him. The suggestion may be pertinent that the persons in question are divisible into two classes. Those who, by their occupation, have been accustomed to independent labor, and schooled in some sort of self-reliance, are more developed in this direction; while others, who have been bound to the routine of plantation life, and kept more strictly under surveillance, are but little awakened. But even among these last there has been, under the quickening inspiration of present events, a rapid development, indicating that the same feeling is only latent.

There is another consideration which must not be omitted. Many of these people have still but little confidence in us, anxiously looking to see what is to be our disposition of them. It is a mistake to suppose that, separated from the world, never having read a Northern book or newspaper relative to them, or talked with a Northern man expressing the sentiments prevalent in his region, they are universally and with entire confidence welcoming us as their deliverers. Here, as everywhere else, where our army has met them, they have been assured by their masters that we were going to carry them off to Cuba. There is probably not a rebel master, from the Potomac to the Gulf, who has not repeatedly made this assurance to his slaves. No matter what his religious vows may have been, no matter what his professed honor as a gentleman, he has not shrunk from the

reiteration of this falsehood. Never was there a people, as all who know them will testify, more attached to familiar places than they. Be their home a cabin, and not even that cabin their own, they still cling to it. The reiteration could not fail to have had some effect on a point on which they were so sensitive. Often it must have been met with unbelief or great suspicion of its truth. It was also balanced by the consideration that their masters would remove them into the interior, and perhaps to a remote region, and separate their families, about as bad as being taken to Cuba, and they felt more inclined to remain on the plantations, and take their chances with us. They have told me that they reasoned in this way. But in many cases they fled at the approach of our army. Then one or two bolder returning, the rest were reassured and came back. Recently, the laborers on Paris Island, seeing some schooners approaching suspiciously, commenced gathering their little effects rapidly together, and were about to run, when they were quieted by some of our teachers coming, in whom they had confidence. In some cases, their distrust has been increased by the bad conduct of some irresponsible white men, of which, for the honor of human nature, it is not best to speak more particularly. On the whole, their confidence in us has been greatly increased by the treatment they have received, which, in spite of many individual cases of injury less likely to occur under the stringent orders recently issued from the naval and military authorities, has been generally kind and humane. But the distrust which to a greater or less extent may have existed on our arrival, renders necessary, if we would keep them faithful allies, and not informers to the enemy, the immediate adoption of a system which shall be a pledge of our protection and of our permanent interest in their welfare.

The manner of the laborers toward us has been kind and deferential, doing for us such good offices as were in their power, as guides, pilots, or in more personal service, inviting us on the plantations to lunch of hominy and milk, or potatoes, touching the hat in courtesy, and answering politely such questions as were addressed to them. If there have been exceptions to this rule, it was in the case of those whose bearing did not entitle them to the civility.

Passing from general phases of character or present disposition, the leading facts in relation to the plantations and the mode of rendering them useful and determining what is best to be done, come next in order.

The laborers of St. Helena and Ladies' Islands very generally remain on their respective plantations. This fact, arising partly from local attachment and partly because they can thus secure their allowance of corn, is important, as it will facilitate their reorganization. Some are absent temporarily, visiting a wife or relative on another plantation, and returning periodically for their rations. The disposition to roam, so far as it exists, mainly belongs to the younger people. On Port Royal and Hilton Head Islands, there is a

much greater dispersion, due in part to their having been the scene of more active military movements, and in part to the taking in greater measure on these islands of the means of subsistence from the plantations. When the work recommences, however, there is not likely to be any indisposition to return to them.

The statistics with regard to the number of laborers, field-hands, acres planted to cotton and corn, are not presented as accurate statements, but only as reasonable approximations, which may be of service.

The highest number of people on any plantation visited was on Coffin's, where there are two hundred and sixty. Those on the plantation of Dr. Jenkins number one hundred and thirty; on that of the Eustis estate, one hundred and twenty; and on the others, from eighty to thirty-eight. The average number on each is eighty-one. The field-hands range generally from one third to one half of the number, the rest being house servants, old persons, and children. About five acres of cotton and corn are planted to a hand; and of potatoes, about five acres in all were planted on the smaller plantations, and from twenty to thirty on the larger.

The number of pounds in a bale of ginned cotton ranges from three to four hundred, the average number being not far from three hundred and forty-five pounds per bale. The average yield per acre on fifteen plantations was about one hundred and thirty-three pounds.

The material for compost is gathered in the periods of most leisure—often in July and August, after the cultivation of the cotton plant is ended, and before the picking has commenced. Various materials are used, but quite generally mud and the coarse marsh grass, which abounds on the creeks near the plantations, are employed. The manure is carted upon the land in January and February, and left in heaps, two or three cart-loads on each task, to be spread at the time of listing. The land, by prevailing custom, lies fallow a year. The cotton and corn are planted in elevated rows or beds. The next step is the listing, done with the hoe, and making the bed where the alleys were at the previous raising of the crop, and the alleys being made where the beds were before. In this process, half the old bed is hauled into the alley on the one side, and the other half into the alley on the other. This work is done mainly in February, being commenced sometimes the last of January. A "task" is one hundred and five feet square, and contains twenty-one or twenty-two beds or rows. Each laborer is required to list a task and a half, or if the land is moist and heavy, a task and five or seven beds, say one fourth or three eighths of an acre.

The planting of cotton commences about the twentieth or last of March, and of corn about the same time or earlier. It is continued through April, and by some planters it is not begun till April. The seeds are deposited in the beds, a foot or a foot and a half apart on light land, and two feet apart on heavy land, and five or ten seeds left in a place. While the plant is growing,

the stalks are thinned so as to leave two together on high land, and one by itself on low or rich land. The hoeing of the early cotton begins about the time that the planting of the late has ended. The plant is cultivated with the hoe and plough during May, June, and July, keeping the weeds down and thinning the stalks. The picking commences the last of August. The cotton being properly dried in the sun, is then stored in houses, ready to be ginned. The ginning, or cleaning the fibre from the seed, is done either by gins operated by steam or by the well-known foot-gins—the latter turning out about thirty pounds of ginned cotton per day, and worked by one person, assisted by another, who picks out the specked and yellow cotton. The steam-engine carries one or more gins, each turning out three hundred pounds per day, and requiring eight or ten hands to tend the engine and gins, more or less, according to the number of the gins. The foot-gins are still more used than the gins operated by steam, the latter being used mainly on the largest plantations, on which both kinds are sometimes employed. I have preserved notes of the kind and number of gins used on the plantations visited, but it is unnecessary to give them here. Both kinds can be run entirely by the laborers, and after this year, the ginning should be done wholly here—among other reasons, to avoid transportation of the seed, which makes nearly three fourths of the weight of the unginned cotton, and to preserve in better condition the seed required for planting.

The allowance of clothing to the field-hands in this district has been two suits per year, one for summer and another for winter. That of food has been mainly vegetable—a peck of corn a week to each hand, with meat only in June, when the work is hardest, and at Christmas. No meat was allowed in June on some plantations, while on a few more liberal it was dealt out occasionally, as once a fortnight or once a month. On a few, molasses was given at intervals. Children, varying with their ages, were allowed from two to six quarts of corn per week. The diet is more exclusively vegetable here than almost anywhere in the rebellious region, and in this respect should be changed. It should be added, that there is a large quantity of oysters available for food in proper seasons.

Besides the above rations, the laborers were allowed each to cultivate a small patch of ground, about a quarter of an acre, for themselves, when their work for their master was done. On this, corn and potatoes, chiefly the former, were planted. The corn was partly eaten by themselves, thus supplying in part the deficiency in rations; but it was, to a great extent, fed to a pig or chickens, each hand being allowed to keep a pig and chickens or ducks, but not geese or turkeys. With the proceeds of the pig and chickens, generally sold to the masters, and at pretty low rates, extra clothing, coffee, sugar, and that necessary of life with these people, as they think, tobacco, were bought.

In the report thus far, such facts in the condi-

tion of the territory now occupied by the forces of the United States have been noted as seemed to throw light on what could be done to reorganize the laborers, prepare them to become sober and self-supporting citizens, and secure the successful culture of a cotton-crop, now so necessary to be contributed to the markets of the world. It will appear from them that these people are naturally religious and simple-hearted—attached to the places where they have lived, still adhering to them both from a feeling of local attachment and self-interest in securing the means of subsistence; that they have the knowledge and experience requisite to do all the labor, from the preparation of the ground for planting until the cotton is baled, ready to be exported; that they, or the great mass of them, are disposed to labor, with proper inducements thereto; that they lean upon white men, and desire their protection, and could, therefore, under a wise system, be easily brought under subordination; that they are susceptible to the higher considerations, as duty and the love of offspring, and are not in any way inherently vicious, their defects coming from their peculiar condition in the past or present, and not from constitutional proneness to evil beyond what may be attributed to human nature; that they have among them natural chiefs, either by virtue of religious leadership or superior intelligence, who, being first addressed, may exert a healthful influence on the rest; in a word, that, in spite of their condition, reputed to be worse here than in many other parts of the rebellious region, there are such features in their life and character, that the opportunity is now offered to us to make of them, partially in this generation, and fully in the next, a happy, industrious, law-abiding, free and Christian people, if we have but the courage and patience to accept it. If this be the better view of them and their possibilities, I will say that I have come to it after anxious study of all peculiar circumstances in their lot and character, and after anxious conference with reflecting minds here, who are prosecuting like inquiries, not overlooking what, to a casual spectator, might appear otherwise, and granting what is likely enough, that there are those among them whose characters, by reason of bad nature or treatment, are set, and not admitting of much improvement. And I will submit further, that, in common fairness and common charity, when, by the order of Providence, an individual or a race is committed to our care, the better view is entitled to be first practically applied. If this one shall be accepted and crowned with success, history will have the glad privilege of recording that this wicked and unprovoked rebellion was not without compensations most welcome to our race.

What, then, should be the true system of administration here?

It has been proposed to lease the plantations and the people upon them. To this plan there are two objections—each conclusive. In the first place, the leading object of the parties bidding for leases would be to obtain a large immediate revenue—perhaps to make a fortune in a year or

two. The solicitations of doubtful men, offering the highest price, would impose on the leasing power a stern duty of refusal, to which it ought not unnecessarily to be subjected. Far better a system which shall not invite such men to harass the leasing power, or excite expectations of a speedy fortune, to be derived from the labor of this people. Secondly, no man, not even the best of men, charged with the duties which ought to belong to the guardians of these people, should be put in a position where there would be such a conflict between his humanity and his self-interest—his desire, on the one hand, to benefit the laborer, and, on the other, the too often stronger desire to reap a large revenue—perhaps to restore broken fortunes in a year or two. Such a system is beset with many of the worst vices of the slave system, with one advantage in favor of the latter, that it is for the interest of the planter to look to permanent results. Let the history of British East-India, and of all communities where a superior race has attempted to build up speedy fortunes on the labor of an inferior race occupying another region, be remembered, and no just man will listen to the proposition of leasing, fraught as it is with such dangerous consequences. Personal confidence forbids me to report the language of intense indignation which has been expressed against it here by some occupying high places of command, as also by others who have come here for the special purpose of promoting the welfare of these laborers. Perhaps it might yield to the treasury a larger immediate revenue, but it would be sure to spoil the country and its people in the end. The Government should be satisfied if the products of the territory may be made sufficient for a year or two to pay the expenses of administration and superintendence, and of the inauguration of a beneficent system which will settle a great social question, insure the sympathies of foreign nations, now wielded against us, and advance the civilization of the age.

The better course would be to appoint superintendents for each large plantation, and one for two or three smaller combined, compensated with a good salary, say one thousand dollars per year, selected with reference to peculiar qualifications, and as carefully as one would choose a guardian for his children, clothed with an adequate power to enforce a paternal discipline, to require a proper amount of labor, cleanliness, sobriety, and better habits of life, and generally to promote the moral and intellectual culture of the wards, with such other inducements, if there be any, placed before the superintendent as shall inspire him to constant efforts to prepare them for useful and worthy citizenship. To quicken and insure the fidelity of the superintendents, there should be a director-general or governor, who shall visit the plantations, and see that they are discharging these duties, and, if necessary, he should be aided by others in the duty of visitation. This officer should be invested with liberal powers over all persons within his jurisdiction, so as to protect the blacks from each other and from white

men, being required in most important cases to confer with the military authorities in punishing offences. His proposed duties indicate that he should be a man of the best ability and character; better if he have already, by virtue of public services, a hold on the public confidence. Such an arrangement is submitted as preferable for the present to any cumbersome territorial government.

The laborers themselves, no longer slaves of their former masters, or of the Government, but as yet in large numbers unprepared for the full privileges of citizens, are to be treated with sole reference to such preparation. No effort is to be spared to work upon their better nature and the motives which come from it—the love of wages, of offspring, and of family, the desire of happiness, and the obligations of religion. And when these fail,—and fail they will, in some cases,—we must not hesitate to resort, not to the lash,—for as from the department of war, so also from the department of labor, it must be banished,—but to the milder and more effective punishments of deprivation of privileges, isolation from family and society, the workhouse, or even the prison. The laborers are to be assured at the outset that parental and conjugal relations among them are to be protected and enforced; that children, and all others desiring, are to be taught; that they will receive wages; and that a certain just measure of work, with reference to the ability to perform it, if not willingly rendered, is to be required of all. The work, so far as the case admits, should be assigned in proper tasks, the standard being what a healthy person of average capacity can do, for which a definite sum is to be paid. The remark may perhaps be pertinent, that, whatever may have been the case with women or partially disabled persons, my observations, not yet sufficient to decide the point, have not impressed me with the conviction that healthy persons, if they had been provided with an adequate amount of food, and that animal in due proportion, have been overworked heretofore on these islands, the main trouble having been that they have not been so provided, and have not had the motives which smooth labor. Notwithstanding the frequent and severe chastisements which have been employed here in exacting work, they have failed, and naturally enough, of their intended effects. Human beings are made up so much more of spirit than of muscle, that compulsory labor, enforced by physical pain, will not exceed or equal, in the long run, voluntary labor with just inspirations; and the same law in less degree may be seen in the difference between the value of a whipped and jaded beast, and one well disciplined and kindly treated.

What should be the standard of wages where none have heretofore been paid, is less easy to determine. It should be graduated with reference to the wants of the laborer and the ability of the employer or Government; and this ability being determined by the value of the products of the labor, and the most that should be expected being, that for a year or two the system should not be a burden on the treasury. Taking into

consideration the cost of food and clothing, medical attendance and extras, supposing that the laborer would require rations of pork or beef, meal, coffee, sugar, molasses and tobacco, and that he would work three hundred days in the year, he should receive about forty cents a day in order to enable him to lay up thirty dollars a year; and each healthy woman could do about equally well. Three hundred days in a year is, perhaps, too high an estimate of working-days, when we consider the chances of sickness and days when, by reason of storms and other causes, there would be no work. It is assumed that the laborer is not to pay rent for the small house tenanted by him. When the average number of acres cultivated by a hand, and the average yield per acre are considered with reference to market prices, or when the expense of each laborer to his former master, the interest on his assumed value and on the value of the land worked by him,—these being the elements of what it has cost the master before making a profit,—are computed, the Government could afford to pay this sum, leaving an ample margin to meet the cost of the necessary implements, as well as of superintendence and administration. The figures on which this estimate is based are at the service of the department if desired. It must also be borne in mind that the plantations will in the end be carried on more scientifically and cheaply than before, the plough taking very much the place of the hoe, and other implements being introduced to facilitate industry and increase the productive power of the soil.

It being important to preserve all former habits which are not objectionable, the laborer should have his patch of ground on which to raise corn or vegetables for consumption or sale.

As a part of the plan proposed, missionaries will be needed to address the religious element of a race so emotional in their nature, exhorting to all practical virtues, and inspiring the laborers with a religious zeal for faithful labor, the good nurture of their children, and for clean and healthful habits. The benevolence of the free States, now being directed hither, will gladly provide these. The Government should, however, provide some teachers specially devoted to teaching reading, writing and arithmetic, say some twenty-five for the territory now occupied by our forces, and private benevolence might even be relied on for these.

The plan proposed is, of course, not presented as an ultimate result: far from it. It contemplates a paternal discipline for the time being, intended for present use only, with the prospect of better things in the future. As fast as the laborers show themselves fitted for all the privileges of citizens, they should be dismissed from the system and allowed to follow any employment they please, and where they please. They should have the power to acquire the fee simple of land, either with the proceeds of their labor or as a reward of special merit; and it would be well to quicken their zeal for good behavior by proper recognitions. I shall not follow these suggestions

as to the future further, contenting myself with indicating what is best to be done at once with a class of fellow-beings now thrown on our protection, entitled to be recognized as freemen, but for whose new condition the former occupants of the territory have diligently labored to unfit them.

But whatever is thought best to be done, should be done at once. A system ought to have been commenced with the opening of the year. Besides that, demoralization increases with delay. The months of January and February are the months for preparing the ground by manuring and listing, and the months of March and April are for planting. Already important time has passed, and in a very few weeks it will be too late to prepare for a crop, and too late to assign useful work to the laborers for a year to come. I implore the immediate intervention of your department to avert the calamities which must ensue from a further postponement.

There is another precaution most necessary to be taken. As much as possible, persons enlisted in the army and navy should be kept separate from these people. The association produces an unhealthy excitement in the latter, and there are other injurious results to both parties which it is unnecessary to particularize. In relation to this matter, I had an interview with the Flag-Officer, Commodore Du Pont, which resulted in an order that "no boats from any of the ships of the squadron can be permitted to land anywhere but at Bay Point and Hilton Head, without a pass from the Fleet Captain," and requiring the commanding officers of the vessels to give special attention to all intercourse between the men under their command and the various plantations in their vicinity. Whatever can be accomplished to that end by this humane and gallant officer, who superadds to skill and courage in his profession the liberal views of a statesman, will not be left undone. The suggestion should also be made that, when employment is given to this people, some means should be taken to enable them to obtain suitable goods at fair rates, and precautions taken to prevent the introduction of ardent spirits among them.

A loyal citizen of Massachusetts, Mr. Frederick A. Eustis, has recently arrived here. He is the devisee in a considerable amount under the will of the late Mrs. Eustis, who owned the large estate on Ladies' Island, and also another at Pocotaligo, the latter not yet in possession of our forces. The executors are rebels, and reside at Charleston. Mr. Eustis has as yet received no funds by reason of the devise. There are two other loyal devisees and some other devisees resident in rebellious districts, and the latter are understood to have received dividends. Mr. Eustis is a gentleman of humane and liberal views, and, accepting the present condition of things, desires that the people on these plantations shall not be distinguished from their brethren on others, but equally admitted to their better fortunes. The circumstances of this case, though of a personal character, may furnish a useful precedent. With great pleasure and confidence, I recommend

that this loyal citizen be placed in charge of the plantation on Ladies' Island, which he is willing to accept—the questions of property and rights under the will being reserved for subsequent determination.

A brief statement in relation to the laborers collected at the camps at Hilton Head and Beaufort may be desirable. At both places they are under the charge of the Quartermaster's Department. At Hilton Head, Mr. Barnard K. Lee, Jr., of Boston, is the Superintendent, assisted by Mr. J. D. McMath of Alleghany City, Pa., both civilians. The appointment of Mr. Lee is derived from Captain R. Saxton, Chief Quartermaster of the Expeditionary Corps, a humane officer, who is deeply interested in this matter. The number at this camp is about six hundred, the registered number under Mr. Lee being four hundred and seventy-two, of whom one hundred and thirty-seven are on the pay-roll. Of these four hundred and seventy-two, two hundred and seventy-nine are fugitives from the main land, or other points, still held by the rebels; seventy-seven are from Hilton Head Island; sixty-two from the adjacent island of Pinckney; thirty-eight from St. Helena; eight from Port Royal; seven from Spring, and one from Daufuskie. Of the four hundred and seventy-two, the much larger number, it will be seen, have sought refuge from the places now held by rebels; while the greater proportion of the remainder came in at an early period, before they considered themselves safe elsewhere. Since the above figures were given, forty-eight more, all from one plantation, and under the lead of the driver, came in together from the main land. Mr. Lee was appointed November tenth last, with instructions to assure the laborers that they would be paid a reasonable sum for their services, not yet fixed. They were contented with the assurance, and a quantity of blankets and clothing captured of the rebels was issued to them without charge. About December first, an order was given that carpenters should be paid eight dollars per month, and other laborers five dollars per month. Women and children were fed without charge, the women obtaining washing and receiving the pay, in some cases in considerable sums, not, however, heretofore very available, as there was no clothing for women for sale here. It will be seen that, under the order, laborers, particularly those with families, have been paid with sufficient liberality. There were sixty-three laborers on the pay-roll on December first, and one hundred and one dollars and fifty cents were paid to them for the preceding month. On January first there were for the preceding month one hundred and twenty-seven on the pay-roll, entitled to four hundred and sixty-eight dollars and fifty-nine cents. On February first there were for the preceding month one hundred and thirty-seven on the pay-roll, entitled to something more than for the month of January; making in all due them not far from one thousand dollars. This delay of payment, due, it is stated, to a deficiency of small currency, has made the laborers uneasy, and affected the disposition to work.

On January eighteenth, a formal order was issued by General Sherman, regulating the rate of wages, varying from twelve dollars to eight dollars per month for mechanics, and from eight dollars to four dollars for other laborers. Under it, each laborer is to have, in addition, a ration of food. But from the monthly pay are to be deducted rations for his family, if here, and clothing both for himself and family. Commodious barracks have been erected for these people, and a guard protects their quarters.

I have been greatly impressed by the kindness and good sense of Mr. Lee and his assistant, in their discipline of these people. The lash, let us give thanks, is banished at last. No coarse words or profanity are used toward them. There has been less than a case of discipline a week, and the delinquent, if a male, is sometimes made to stand on a barrel, or, if a woman, is put in a dark room, and such discipline has proved successful. The only exception, if any, is in the case of one woman, and the difficulty there was conjugal jealousy, she protesting that she was compelled by her master, against her will, to live with the man.

There is scarcely any profanity among them, more than one half of the adults being members of churches. Their meetings are held twice or three times on Sundays, also on the evenings of Tuesday, Thursday and Friday. They are conducted with fervent devotion by themselves alone or in presence of a white clergyman, when the services of one are procurable. They close with what is called "a glory shout," one joining hands with another, together in couples singing a verse and beating time with the foot. A fastidious religionist might object to this exercise; but being in accordance with usage, and innocent enough in itself, it is not open to exception. As an evidence of the effects of the new system in inspiring self-reliance, it should be noted that the other evening they called a meeting of their own accord, and voted, the motion being regularly made and put, that it was now but just that they should provide the candles for their meetings, hitherto provided by the Government. A collection was taken at a subsequent meeting, and two dollars and forty-eight cents was the result. The incident may be trivial, but it justifies a pleasing inference. No school, it is to be regretted, has yet been started, except one on Sundays, but the call for reading-books is daily made by the laborers. The suggestion of Mr. Lee, in which I most heartily concur, should not be omitted—that with the commencement of the work on the plantations, the laborers should be distributed upon them, having regard to the family relations and the places whence they have come.

Of the number and condition of the laborers at Beaufort, less accurate information was attainable, and fewer statistics than could be desired. They have not, till within a few days, had a General Superintendent, but have been under the charge of persons detailed for the purpose from the army. I saw one whose manner and language toward them was, to say the least, not

elevating. A new Quartermaster of the post has recently commenced his duties, and a better order of things is expected. He has appointed as Superintendent Mr. William Harding, a citizen of Daufuskie Island. An enrolment has commenced, but is not yet finished. There are supposed to be about six hundred at Beaufort. The number has been larger, but some have already returned to the plantations in our possession from which they came. At this point, the Rev. Solomon Peck, of Roxbury, Mass., has done great good in preaching to them and protecting them from the depredations of white men. He has established a school for the children, in which are sixty pupils, ranging in age from six to fifteen years. They are rapidly learning their letters and simple reading. The teachers are of the same race with the taught, of ages respectively of twenty, thirty, and fifty years. The name of one is John Milton. A visit to the school leaves a remarkable impression. One sees there those of pure African blood, and others ranging through the lighter shades, and among them brunettes of the fairest features. I taught several of the children their letters for an hour or two, and during the recess heard the three teachers, at their own request, recite their spelling-lessons of words of one syllable, and read two chapters of Matthew. It seemed to be a morning well spent. Nor have the efforts of Dr. Peck been confined to this point. He has preached at Cat, Cane and Ladies' Island, anticipating all other white clergymen, and on Sunday, February second, at the Baptist Church on St. Helena, to a large congregation, where his ministrations have been attended with excellent effects. On my visits to St. Helena, I found that no white clergyman had been there since our military occupation began, that the laborers were waiting for one, and there was a demoralization at some points which timely words might arrest. I may be permitted to state, that it was at my own suggestion that he made the appointment on this island. I cannot forbear to give a moment's testimony to the nobility of character displayed by this venerable man. Of mild and genial temperament, equally earnest and sensible, enjoying the fruits of culture, and yet not dissuaded by them from the humblest toil, having reached an age when most others would have declined the duty, and left it to be discharged by younger men; of narrow means, and yet in the main defraying his own expenses, this man of apostolic faith and life, to whose labors both hemispheres bear witness, left his home to guide and comfort this poor and shepherdless flock; and to him belongs, and ever will belong, the distinguished honor of being the first minister of Christ to enter the field which our arms had opened.

The Rev. Mansfield French, whose mission was authenticated and approved by the Government, prompted by benevolent purposes of his own, and in conference with others in the city of New-York, has been here two weeks, during which time he has been industriously occupied in examining the state of the islands and their population, in con-

ferring with the authorities, and laying the foundation of beneficent appliances with reference to their moral, educational, and material wants. These, having received the sanction of officers in command, he now returns to commend to the public, and the Government will derive important information from his report. Besides other things, he proposes, with the approval of the authorities here, to secure authority to introduce women of suitable experience and ability, who shall give industrial instruction to those of their own sex among these people, and who, visiting from dwelling to dwelling, shall strive to improve their household life, and give such counsels as women can best communicate to women. All civilizing influences like these should be welcomed here, and it cannot be doubted that many noble hearts among the women of the land will volunteer for the service.

There are some material wants of this territory requiring immediate attention. The means of subsistence have been pretty well preserved on the plantations on St. Helena; so also on that part of Ladies' adjacent to St. Helena. But on Port Royal Island, and that part of Ladies' near to it, destitution has commenced, and will, unless provision is made, become very great. Large amounts of corn for forage, in quantities from fifty to four or five hundred bushels from a plantation, have been taken to Beaufort. On scarcely any within this district is there enough to last beyond April, whereas it is needed till August. On others, it will last only two or three weeks, and on some it is entirely exhausted. It is stated that the forage was taken because no adequate supply was at hand, and requisitions for it were not seasonably answered. The further taking of the corn in this way has now been forbidden; but the Government must be prepared to meet the exigency which it has itself created. It should be remembered that this is not a grain-exporting region, corn being produced in moderate crops only for consumption. Similar destitution will take place on other islands, from the same cause, unless provision is made.

The horses, mules, and oxen, in large numbers, have been taken to Beaufort and Hilton Head as means of transportation. It is presumed that they, or most of them, are no longer needed for that purpose, and that they will be returned to those who shall have charge of the plantations. Cattle to the number of a hundred, and in some cases less, have been taken from a plantation and slaughtered, to furnish fresh beef for the army. Often cattle have been killed by irresponsible foraging parties, acting without competent authority. There can be no doubt that the army and navy have been in great want of the variation of the rations of salt beef or pork; but it also deserves much consideration, if the plantations are to be permanently worked, how much of a draught they can sustain.

The garden seeds have been pretty well used up, and I inclose a desirable list furnished me by a gentleman whose experience enables him to designate those adapted to the soil, and useful

too for army supplies. The general cultivation of the islands also requires the sending of a quantity of ploughs and hoes.

Since the writing of this report was commenced, some action has been taken which will largely increase the number of persons thrown on the protection of the Government. To-day, February tenth, the Forty-seventh regiment of New-York volunteers has been ordered to take military occupation of Edisto Island, which is stated to have had formerly a population of five or six thousand, and a large number of plantations, a movement which involves great additional responsibility. Agents for the collection of cotton are to accompany it.

Herewith is communicated a copy of an order by General Sherman, dated February sixth, 1862, relative to the disposition of the plantations and of their occupants. It is evidence of the deep interest which the Commanding General takes in this subject, and of his conviction that the exigency requires prompt and immediate action from the Government.

I leave for Washington, to add any oral explanations which may be desired, expecting to return at once, and, with the permission of the Department, to organize the laborers on some one plantation, and superintend them during the planting season, and upon its close, business engagements require that I should be relieved of this appointment.

I am, with great respect,

Your friend and servant,

EDWARD L. PIERCE.

SECOND REPORT.

PORT ROYAL, June 2, 1862.

To the Hon. S. P. Chase, Secretary of the Treasury :

SIR: Upon the transfer of the supervision of affairs at Port Royal from the Treasury to the War Department, a summary of the results of this agency may be expected by you; and therefore this report is transmitted.

Your instructions of February nineteenth intrusted to me the general superintendence and direction of such persons as might be employed upon the abandoned plantations, with a view to prevent the deterioration of the estates, to secure their best possible cultivation, and the greatest practicable benefit to the laborers upon them. The Department, not being provided with proper power to employ upon salaries superintendents and teachers, under the plan submitted in my report of February third, enjoined coöperation with associations of judicious and humane citizens in Boston, New-York, and other cities, who proposed to commission and employ persons for the religious instruction, ordinary education, and general employment of the laboring population. Authority was given to the Special Agent at the same time to select and appoint applicants for such purposes, and assign each to his respective duty—such persons when compensated, to draw their compensation from private sources, receiv-

ing transportation, subsistence, and quarters only from the Government. The Educational Commission of Boston had already been organized, and the organization of the National Freedman's Relief Association of New-York followed a few days later. Still later the Port Royal Relief Committee of Philadelphia was appointed.

On the morning of March ninth, forty-one men and twelve women, accepted for the above purposes and approved by the first two of the above Associations, disembarked at Beaufort, having left New-York on the third of that month on board the United States transport, the steamship Atlantic, accompanied by the Special Agent. The Educational Commission of Boston had commissioned twenty-five of the men and four of the women. The National Freedman's Relief Association of New-York had commissioned sixteen of the men and five of the women, and three women from Washington City had received their own personal commendation. The men were of various occupations, farmers, mechanics, tradesmen, teachers, physicians, clergymen, ranging in age from twenty-one to sixty years. Not being provided with full topographical knowledge of the islands, it was necessary for the Special Agent to explore them for locations. At the close of the first fortnight after their arrival, the entire original delegation had been assigned to districts which they had reached. Since then others have arrived, namely, fourteen on March twenty-third, fourteen on April fourteenth, and a few at a later date, making in all seventy-four men and nineteen women, who having been commissioned by the Associations, and receiving the permit of the Collector of New-York, have arrived here, and been assigned to posts. Of the seventy-four men, forty-six were commissioned and employed by the Boston Society, and twenty-eight by that of New-York. Of the nineteen women, nine were commissioned by the New-York Society, six by that of Boston, one by that of Philadelphia, and three others not so commissioned, but approved by yourself, were accepted. Except in the case of the three women approved by yourself, no persons have been received into this service not previously approved by the associations with whom you enjoined coöperation. Of the seventy-four men, twenty-four were stationed on Port Royal Island, a few of these doing special duty at Beaufort, fifteen on St. Helena, thirteen on Ladies', nine on Edisto, seven on Hilton Head, three on Pinckney, one on Cat and Cane, one on Paris, and one on Daufuskie. A few of the above returned North soon after their arrival, so that the permanent number here at any one time, duly commissioned and in actual service, has not exceeded seventy men and sixteen women. The number at present is sixty-two men and thirteen women. A larger corps of superintendents and teachers might have been employed to advantage, but as injurious results might attend the overdoing of the work of supervision, it was thought best not to receive more, until experience had indicated the permanent need.

The following is a list of the islands, with the

The superintendents have generally had five or six plantations in charge, sometimes one, aided by a teacher, having under him three, four, and even five hundred persons. The duty of each has been to visit all the plantations under him as often as practicable, some of which are one, two, three, and even four miles from his quarters — transport to them implements from the storehouses, protect the cattle and other public property upon them, converse with the laborers, explaining to them their own new condition, the purposes of the Government towards them, what is expected of them in the way of labor, and what remuneration they are likely to receive; procure and distribute among them clothing and food, whether issued in army rations or contributed by the benevolent associations; collecting the materials of a census; making reports of the condition and wants of the plantations and any peculiar difficulties to the Special Agent; drawing pay rolls for labor on cotton, and paying the amounts; going when convenient to the praise meetings, and reading the Scriptures; instructing on Sundays and other days those desirous to learn to read, as much as time permitted; attending to cases of discipline, protecting the negroes from injuries, and in all possible ways endeavoring to elevate them, and prepare them to become worthy and self-supporting citizens. Such were some of the labors cast upon the superintendents, for which, as they were without precedent in our history, none could have had special experience, and for which, in many cases of difficulty, they were obliged to act without any precise instructions from the Special Agent, as he had received none such from the Government. In a very few instances there appeared a want of fitness for the art of governing men under such strange circumstances, but in none a want of just purpose. Many toiled beyond their strength, and nearly all did more than they could persevere in doing.

A knowledge of the culture of cotton was found not necessary in a superintendent, though it would have facilitated his labors. On this point the laborers were often better informed than their former masters. Indeed, those persons who might already have possessed this knowledge, and applied for the post of superintendent, would have been likely in gaining it to have acquired ideas of the negroes as slaves, and of the mode of dealing with them as such, prejudicial to their success in this enterprise. The duty to be performed has consisted so much in explaining to the laborers their new condition and their relations to the Government, and in applying the best spiritual forces to their minds and hearts, that just purposes, and good sense, and faith in the work have been of far more consequence than any mere experience in agriculture; and, even in the more practical matters, those who had the most inspiration for the service were found the most fertile in resources and the most cheerful and patient in encountering vexations and inconveniences. It would not be easy again to combine in a body of men so much worth and capacity, and it is but a deserved tribute to say that but for

their unusual zeal and devotion under many adverse influences, added to the intrinsic difficulty of the work itself, this enterprise, on which patriotism and humanity had rested their faith, would have failed of the complete success which has hitherto attended it.

It is proper to add that an accomplished woman accepted the superintendence of a single plantation, in addition to other duties for which she specially came, and carried it on successfully.

Upon the arrival of the superintendents the plantations were generally unsupplied with tools, even hoes, those on hand being the tools used last year, and a few found in the shops at Beaufort. Some three thousand dollars' worth of ploughs, hoes, and other implements and seeds were intended to come with the superintendents. The negroes had commenced putting corn and potatoes into their own patches, and in some cases had begun to prepare a field of corn for the plantation. No land had been prepared for cotton, and the negroes were strongly indisposed to its culture. They were willing to raise corn, because it was necessary for food, but they saw no such necessity for cotton, and distrusted promises of payment for cultivating it. It had enriched the masters, but had not fed them. Soldiers passing over the plantations had told them in careless speech that they were not to plant cotton. As this was a social experiment in which immediate industrial results were expected, it seemed important that all former modes of culture should be kept up, and those products not neglected for which the district is best adapted, and which, in time of peace, should come from it. Besides, when a people are passing through the most radical of all changes, prudence requires that all old habits and modes not inconsistent with the new condition should be conserved. Particularly did it seem desirable that the enemies of free labor in either hemisphere should not be permitted to say exultingly, upon the view of a single season's experiment here, that a product so important to trade and human comfort could not be cultivated without the forced, unintelligent, and unpaid labor of slaves. Therefore no inconsiderable effort was made to disabuse the laborers of their pretty strong prejudice on this point, and to convince them that labor on cotton was honorable, remunerative, and necessary to enable them to buy clothing and the fitting comforts they desired. It was not made in vain; and its necessity would in the main have been dispensed with if we had had in the beginning the money to pay for the labor required, and the proper clothing and food to meet the just wants and expectations of the laborers. At the same time, the importance of raising an adequate supply of provisions was enjoined, and with entire success. On this point there was no trouble. The amount of these planted is equal to that of last year in proportion to the people to be supplied, and probably exceeds it. The negro patches are far larger than ever before, and as these had been begun before we arrived, we were unable to make them equal on the different plantations. They alone in a ~~xxx~~

season, and if harvested in peace, would probably prevent any famine. On the whole, it is quite certain that without the system here put in operation the mass of the laborers, if left to themselves and properly protected from depredations and demoralization by white men, would have raised on their negro patches corn and potatoes sufficient for their food, though without the incentives and moral inspirations thereby applied, they would have raised no cotton, and had no exportable crop, and there might, under the uncertainties of the present condition of things, have been a failure of a surplus of corn necessary for cattle and contingencies, and for the purchase of needed comforts. There is no disposition to claim for the movement here first initiated that it is the only one by which the people of this race can be raised from the old to the new condition, provided equal opportunities and an equal period for development are accorded to them as to communities of the white race. But it seems to have been the only one practicable where immediate material and moral results were to be reached, and upon a territory under military occupation.

The preparation of the ground for planting begins usually about February first. It was not until March twenty-fourth that the superintendence of the plantations under the present system can be said to have been in operation—the first fortnight being occupied by the superintendents, upon their stations being assigned, in going to them with a moderate supply of implements. The planting, except of the slip potatoes, which are planted in July, some cow-peas and a small quantity of corn, closed in the week ending with May tenth. Each superintendent, in response to a call from the Special Agent, has furnished a written statement of the acres of cotton, corn, potatoes, and vegetables, then planted on each plantation in his district, with an estimate of the amount thereafter to be planted, the figures of which have been arranged in a tabular form, presenting the amount of each kind on all the plantations on all the islands where agricultural operations are being carried on under the protection of our forces. It is with pleasure that the aggregate results is here submitted. It makes (adding the negro patches to the corn-fields of the plantations) 8814 7-8 acres of provisions (corn, potatoes, etc.) planted, 5480 11-100 acres of cotton planted—in all, 18,794 98-100 acres of provisions and cotton planted. Adding to these the 2394 acres of late corn, to a great extent for fodder, cow-peas, etc., to be planted, and the crop of this year presents a total of 16,188 98-100 acres. The crops are growing, and are in good condition. They have been cultivated with the plough and hoe, and the stalks of cotton have been thinned, as is usual at this stage of their growth. They are six or eight, and in some fields twelve, inches high. Next month will close the work of cultivation.

Notwithstanding the recent withdrawal of six hundred able-bodied men from the plantations for military purposes, a very large proportion of the working force, the spirit of the laborers has

so improved that, according to present expectations, only a small proportion of the above acres already planted will have to be abandoned. The effect of the order will, however, be to diminish the number of acres to be planted, as the estimate was made just before it was issued.

The statistical table presenting the aggregate result on each island is here introduced. The full tabular statement, giving the amount of each crop planted on each of the one hundred and eighty-nine plantations, also accompanies this report.

Islands.	No. acres of Corn planted.	No. acres of Potatoes (root) planted.	No. acres of Cotton planted.	No. acres of miscellaneous, as Vegetables, Cow-peas, Rice, etc., planted.	No. acres of provisions planted by laborers on their own account.	Total No. of acres planted.	No. acres of Potatoes, (slip), Cow-peas, etc., to be planted.
Port Royal.	1646 1/2	176	1267 75-100	81	262 1/2	3523 1/2	540 1/2
Ladies' (including Cross Key).	941	119 1/2	1942 75-100	41	275 1/2	2512 1/2	422 1/2
Windsor, (Caf. and Cure).	881 1/2	49 1/2	629 19-100	13	211	1314 19-100	No return.
St. Helena. (including De Shaw and Morgan).	1905	298 1/2	1554 57-100	74 1/2	702 1/2	2875 60-100	884 1/2
Paris and Morgan.	164	30 1/2	291	1 1/2	137	618 1/2	60
Pickney and Daufuskie.	59	No return.	47 60-100	1 1/2	137	123 10-100	No return.
Edisto.	835 1/2	122	697 25-100	No return.	54	1728 1/2	256
Hitchison, Beef, and Alike.	.....	6	.....	2 1/2	.....	8 1/2	240
Total.	5639 1/2	735 1/2	5480 11-100	219 1/2	2027 1/2	18794 98-100	2394

Satisfactory as the result is, the crop would have been considerably larger, but for several unfavorable circumstances.

In the first place, the laborers had just passed through four months of idleness and confusion, during which the only labor done by the great mass of them was upon the baling and local transportation of the cotton. During this time they had no assurances as to their future, no regular employment, no care of their moral interests, no enlightenment as to their relations to this war, except the careless and conflicting talk of soldiers who chanced to visit the plantations, and whose conduct toward them did not always prepossess them in favor of the ideas of Northern men as to the rights of property or the honor of women. The effects of this injurious season had to be met at the threshold, and, as far as could be, removed.

The usual season for preparing for a crop had already advanced six weeks before the superintendence and the distribution of implements commenced. Besides the labor thus lost, there was no time to devise useful plans for abridging it, and so conducting it as to be able to ascertain definitely what each had done, and to how much each was entitled. The working of all the hands together is not the best mode for this purpose, but we had no time to change the course pursued the year before. In the future it will probably be found that when there is time to arrange accordingly, the best mode will be to assign a piece of land to each laborer, and thus the amount done and the proportionate compensation due, can be more justly fixed. Nothing is found to discourage faithful laborers so much as to see the indolent fare as well as themselves. Even now, since the close of planting, some of the superintendents, impressed with this difficulty, have allotted pieces of ground in that way, and they report that this plan works well. It will, besides, introduce ideas of independent proprietorship on the part of the laborers, not so likely to come from what is called the "gang" system. The same cause, namely, the lateness of the season, together with the insufficient means of fencing, required the selection of such fields for cultivation as could be best protected from cattle, and not such as could be most easily and productively worked.

There was an inadequate supply of implements when the work commenced. A small quantity, less than that required, was purchased, and was to have been sent with the superintendents, but by some accident the larger part of the hoes and some other articles were left behind, and did not come till some weeks later.

The plantations were bereft of mules and horses necessary for ploughing and carting manure. The former owners had taken away the best in many cases, and nearly all the workable mules and horses remaining had been seized by our army for quartermaster and commissary service. On a long list of plantations not a mule was left to plough. Others had one only, and that one blind or lame. On none was there the former number. The oxen had to a great extent been slaughtered for beef. The laborers had become vexed and dispirited at this stripping of the plantations, and they had no heart to attempt the working of them productively. Indeed, in some cases, it did seem

like requiring them to make bricks without straw. At last, in answer to a pressing appeal to the Treasury Department by the Special Agent, ninety mules were forwarded from New-York, forty arriving at Beaufort on the eighteenth April, and fifty on the twenty-first. Within three days after their arrival they were distributed, except some dozen intended for localities not easily accessible. This was a most necessary consignment. It made the hand-labor available, and showed the laborers that the Government was in earnest in carrying on the plantations. This recognition of their just complaints helped to give confidence. This reinforcement of the implements of labor must have added not far from two thousand acres to the crop of this year, and perhaps even more.

Another difficulty was found in the destitution of corn prevalent in many districts, as Port Royal, Hilton Head, and Paris Islands. In some localities it had been burned by the rebels. It had been taken in large quantities by our army for forage under orders of General Sherman, and the result indicated as soon at hand in the report of the Special Agent of February third, had already arrived. The first week after the return of the Special Agent here, was passed in exploring locations for superintendents on Port Royal. Everywhere he was met with complaints that there was no corn or provisions. A few rations had been doled out, but only on a few plantations, and without system or regularity. It took some two or three weeks there, and longer on other islands, to get a system in operation under which the negroes, where the corn had been taken, or there was destitution, should receive a part of a soldier's ration. From Ladies' Island the corn had been taken largely, and it was thought it might be supplied by a possible surplus on St. Helena. On these islands there was considerable discontent on account of the exclusive diet of hominy, and a great call for meat, molasses, and salt. On some of the best conducted plantations these articles had formerly been furnished by the planters in small quantities at some seasons. So many cattle had been taken by the army for beef, that following his instructions, which required him to prevent the deterioration of the estates, the Special Agent hesitated to continue the slaughter. Salt was twice furnished to these two islands by a special purchase—a quart being given to a family. At length a consignment of two thousand dollars' worth of provisions, for which an appeal had been made early in March, consisting of bacon, fish, molasses, and salt, arrived, being delayed by many accidents, and forwarded by the Port Royal Relief Committee of Philadelphia. Bacon and fish, to the amount of three pounds of the former, and one pound of the latter to a grown person, were distributed May fifteenth, and a distribution of molasses has since been made of one quart to a family. The laborers have been greatly encouraged by this distribution, and if it could have been made earlier, or rations could have been issued earlier, the crop would have been increased, and we should have been relieved of many griev-

ous complaints, the justice of which we were compelled to confess without the power to meet them.

Again, the laborers had but very little confidence in the promises of payment made by us on behalf of the Government. The one per cent a pound which had been promised on the last year's crop of cotton, mostly stored when our military occupation began, and for the baling and local transportation of which the laborers had been employed in November and December last, had not been paid. This sum, even if paid, was entirely inadequate to supply the needed clothing and other wants, and it would seem that the laborers were fairly entitled upon the taking of the cotton which they had raised, to have been paid for the labor expended by them in raising it, or if they were to be paid only for the labor of baling and transporting, that they should have been provided with the winter clothing which their masters had not furnished before they left. The destitution of clothing was such as to produce much discontent, subsequently relieved to a considerable extent by the benevolent associations.

The Special Agent was not provided with funds to pay for labor on this year's crop until April twenty-eighth. Then the moderate sum of one dollar per acre was paid for cotton planted by April twenty-third, being distributed among the laborers according to the amount done by each. This was paid on account, the question of the value of the labor already done being reserved. This payment quickened the laborers very much, and the work went rapidly forward until May tenth, when the time for closing the regular planting season arrived. Indeed, from the beginning, where they could clearly see that they were to receive the rewards of their labor, they worked with commendable diligence. Thus they worked diligently on their negro patches at the time when we had the most difficulty in securing the full amount of proper work on the plantations. Not the least among our troubles was, that many able-bodied men had gone to the camps at Beaufort, Hilton Head, and Bay Point, where they were profitably employed on wages, occasionally returning to the plantations on which their wives remained, to display their earnings and produce discontent among the unpaid laborers on them.

No money has been paid for the planting of corn, or of vegetables, except in the case of a large garden of ten acres, it being expected that these products will be consumed on the plantations. A second payment for the cotton planted since April twenty-third, and at the same rate as the first, has been made. In all, the sum of five thousand four hundred and seventy-nine dollars and sixty-five cents has been paid for 5480 11-100 acres of cotton, with ten dollars more for the garden of vegetables. Four thousand and thirty persons received their proportions of this sum. Small as the payment was, the laborers received it with great satisfaction, as, if nothing more, it was at least a recognition of their title to wages, and to treatment as freemen. Accurate pay-rolls for each plantation, with the name of each laborer

and the amount paid, and certified by the superintendents, are preserved.

These drawbacks are not stated with any intention to cast blame on the Government, already overcharged with transcendent duties; but it seemed fitting to mention them, in order to do full justice to laborers who are passing from one condition to another.

The order of Major-Gen. Hunter compelling the able-bodied men to go to Hilton Head on May twelfth, where a proportion of them still remain against their will, produced apprehension among these people as to our intentions in relation to them, and disturbed the work on the plantations, the force of which has been greatly reduced, leaving the women, and children over twelve years of age, as the main reliance on many plantations. The Special Agent entered a protest against the order and its harsh execution, and the retention of any not disposed to enlist; but the civil being subordinate to military power, no further action could be taken.

The cases of discipline for idleness have been very few, and cannot have exceeded, if they have equalled, forty on the islands. These have been reported to the military authorities and been acted upon by them. The most trouble has been upon plantations lying exposed to the camps and vessels both of the navy and sutlers, as on Hilton Head Island and on St. Helena near Bay Point, where there were considerable discontent and insubordination induced by visits from the vessels and camps. This trouble, it is hoped, will hereafter be removed by a more effective police system than has yet been applied.

It is not pretended that many of these laborers could not have done more than they have done, or that in persistent application they are the equals of races living in colder and more bracing latitudes. They generally went to their work quite early in the morning, and returned at noon, often earlier, working, however, industriously while they were in the field. Late in the afternoon, they worked upon their private patches. They protested against working on Saturdays. A contrary rule was, however, prescribed and enforced, and they did double work on Friday in order to secure for themselves the day following. As they were making themselves self-supporting by the amount of work which could be obtained from them without discipline, it was thought advisable, under the present condition of things, not to exact more, but to await the full effect of moral and material inspirations, which can in time be applied.

What has, nevertheless, been accomplished with these obstructions, with all the uncertainties incident to a state of war, and with our own want of personal familiarity at first with the individual laborers themselves, gives the best reason to believe that under the guidance and with the help of the fugitive masters, had they been so disposed, these people might have made their way from bondage and its enforced labor to freedom and its voluntary and compensated labor

without any essential diminution of products or any appreciable derangement of social order. In this as in all things the universe is so ordered that the most beneficent revolutions, which cost life and treasure, may be accomplished justly and in peace, if men have only the heart to accept them.

The contributions of clothing from the benevolent associations have been liberal; but liberal as they have been, they have failed to meet the distressing want which pervaded the territory. The masters had left the negroes destitute, not having supplied their winter clothing when our forces had arrived, so that both the winter and spring clothing had not been furnished. From all accounts it would also seem that since the war began the usual amount of clothing given had been much diminished. That contributed by the associations cannot fall below ten thousand dollars. It has produced a most marked change in the general appearance, particularly on Sundays and at the schools, and tended to inspire confidence in the superintendents.

It would have been almost useless to attempt labors for moral or religious instruction without the supplies thus sent to clothe the naked. A small amount, where there were an ability and desire to pay, has, with the special authority of the societies, been sold, and the proceeds returned to them to be reinvested for the same purpose. The rest has been delivered, without any money being received. In the case of the sick and disabled it is donated, and in case of those healthy and able to work it has been charged without expectation of money to be paid, that being thought to be the best course to prevent the laborers from regarding themselves as paupers, and as a possible aid to the Government in case prompt payments for labor should not be made.

It is most pleasing to state that, with the small payments for labor already made, those also for the collection of cotton being nearly completed, with the partial rations on some islands and the supplies from benevolent sources on others, with the assistance which the mules have furnished for the cultivation of the crop—the general kindness and protecting care of the superintendents—the contributions of clothing forwarded by the associations—the schools for the instruction of the children and others desirous to learn—with these and other favorable influences, confidence in the Government has been inspired, the laborers are working cheerfully, and they now present to the world the example of a well-behaved and self-supporting peasantry of which their country has no reason to be ashamed.

The educational labors deserve a special statement. It is to be regretted that more teachers had not been provided. The labor of superintendence at the beginning proved so onerous that several originally intended to be put in charge of schools, were necessarily assigned for the other purpose. Some fifteen persons on an average have been specially occupied with teaching, and of these four were women. Others, having less superintendence to attend to, were able to devote

considerable time to teaching at regular hours. Nearly all gave some attention to it, more or less according to their opportunity, and their aptitude for the work.

The educational statistics are incomplete, only a part of the schools having been open for two months, and the others having been opened at intervals upon the arrival of persons designated for the purpose. At present, according to the reports, two thousand five hundred persons are being taught on week-days, of whom not far from one third are adults taught when their work is done. But this does not complete the number occasionally taught on week-days and at the Sunday-schools. Humane soldiers have also aided in the case of their servants and others. Three thousand persons are in all probability receiving more or less instruction in reading on these islands. With an adequate force of teachers this number might be doubled, as it is to be hoped it will be on the coming of autumn. The reports state that very many are now advanced enough so that even if the work should stop here they would still learn to read by themselves. Thus the ability to read the English language has been already so communicated to these people that no matter what military or social vicissitudes may come, this knowledge can never perish from among them.

There have been forwarded to the Special Agent the reports of the teachers, and they result in a remarkable concurrence of testimony. All unite to attest the universal eagerness to learn, which they have not found equalled in white persons, arising both from the desire for knowledge common to all, and the desire to raise their condition, now very strong among these people. The reports on this point are cheering, even enthusiastic, and sometimes relate an incident of aspiration and affection united in beautiful combination. One teacher on his first day's school, leaves in the rooms a large alphabet card, and the next day returns to find a mother there teaching her little child of three years to pronounce the first letters of the alphabet she herself learned the day before. The children learn without urging by their parents, and as rapidly as white persons of the same age, often more so, the progress being quickened by the eager desire.

One teacher reports that on the first day of her school only three or four knew a part of their letters, and none knew all. In one week seven boys and six girls could read readily words of one syllable, and the following week there were twenty in the same class. The cases of dulness have not exceeded those among the whites. The mulattoes, of whom there are probably not more than five per cent of the entire population on the plantations, are no brighter than the children of pure African blood. In the schools which have been opened for some weeks, the pupils who have regularly attended have passed from the alphabet, and are reading words of one syllable in large and small letters. The lessons have been confined to reading and spelling, except in a few cases where writing has been taught.

There has been great apparent eagerness to learn among the adults and some have progressed well. They will cover their books with care, each one being anxious to be thus provided, carry them to the fields, studying them at intervals of rest, and asking explanations of the superintendents who happen to come along. But as the novelty wore away, many of the adults finding perseverance disagreeable, dropped off. Except in rare cases it is doubtful whether adults over thirty years, although appreciating the privilege for their children, will persevere in continuous study so as to acquire the knowledge for themselves. Still, when books and newspapers are read in negro houses, many, inspired by the example of their children, will be likely to undertake the labor again.

It is proper to state that while the memory in colored children is found to be, if any thing, livelier than in the white, it is quite probable that further along, when the higher faculties of comparison and combination are more to be relied on, their progress may be less. While their quickness is apparent, one is struck with their want of discipline. The children have been regarded as belonging to the plantation rather than to a family, and the parents, who in their condition can never have but a feeble hold on their offspring, have not been instructed to training their children into thoughtful and orderly habits. It has, therefore, been found not an easy task to make them quiet and attentive at the schools.

Through the schools habits of neatness have been encouraged. Children with soiled faces or soiled clothing, when known to have better, have been sent home from the schools, and have returned in better condition.

In a few cases the teachers have been assisted by negroes who knew how to read before we came. Of these there are very few. Perhaps one may be found on an average on one of two or three plantations. These, so far as can be ascertained, were in most cases taught clandestinely, often by the daughters of their masters who were of about the same age. A colored person among these people who has learned to read does not usually succeed so well as a white teacher. He is apt to teach the alphabet in the usual order, and needs special training for the purpose.

The Sabbath-schools have assisted in the work of teaching. Some three hundred persons are present at the church on St. Helena in the morning, to be taught. There are other churches where one or two hundred attend. A part of these, perhaps the larger, attend some of the day schools, but they comprehend others, as adults, and still others coming from localities where schools have not been opened. One who regards spectacles in the light of their moral aspects, can with difficulty find sublimer scenes than those witnessed on Sabbath morning on these islands, now ransomed to a nobler civilization.

The educational labors have had incidental results almost as useful as those which have been direct. At a time when the people were chafing

the most under deprivations, and the assurances made on behalf of the Government were most distrusted, it was fortunate that we could point to the teaching of their children as a proof of our interest in their welfare, and of the new and better life which we were opening before them.

An effort has been made to promote clean and healthful habits. To that end, weekly cleanings of quarters were enjoined. This effort, where it could be properly made, met with reasonable success. The negroes, finding that we took an interest in their welfare, acceded cordially, and in many cases their diligence in this respect was most commendable. As a race, it is a mistake to suppose that they are indisposed to cleanliness. They appear to practise it as much as white people under the same circumstances. There are difficulties to obstruct improvements in this respect. There has been a scarcity of lime and (except at too high prices) of soap. Their houses are too small, not affording proper apartments for storing their food. They are unprovided with glass windows. Besides, some of them are tenements unfit for beasts, without floor or chimneys. One could not put on a face to ask the occupants to clean such a place. But where the building was decent or reasonably commodious, there was no difficulty in securing the practice of this virtue. Many of these people are examples of tidiness, and on entering their houses one is sometimes witness of rather amusing scenes where a mother is trying the effect of beneficent ablutions on the heads of her children.

The religious welfare of these people has not been neglected. The churches, which were closed when this became a seat of war, have been opened. Among the superintendents there were several persons of clerical education, who have led in public ministrations. The larger part of them are persons of religious experience and profession, who, on the Sabbath, in weekly praise meetings and at funerals, have labored for the consolation of these humble believers.

These people have been assured by the Special Agent that if they proved themselves worthy by their industry, good order, and sobriety, they should be protected against their rebel masters. It would be wasted toil to attempt their development without such assurances. An honorable nature would shrink from this work without the right to make them. Nor is it possible to imagine any rulers now or in the future, who will ever turn their backs on the laborers who have been received, as these have been, into the service of the United States.

Special care has been taken to protect the property of the Government on the plantations. The cattle had been taken away in such large numbers by the former owners, and later by the army, the latter sometimes slaughtering fifty or more head on a plantation, that the necessity of a strict rule for the preservation of those remaining was felt. For that purpose the Special Agent procured orders from the military and naval authorities, dated respectively April seventeenth and twenty-sixth, forbidding the removal of "subsistence,

forage, mules, horses, oxen, cows, sheep, cattle of any kind, or other property, from the plantations, without the consent of the Special Agent of the Treasury Department or orders from the nearest General Commanding." No such consent has been given by the Special Agent except in one case, as an act of mercy to the animal, and in another where he ordered a lamb killed on a special occasion, and has charged himself with the same in his account with the department. Your instructions which expressed your desire to prevent the deterioration of the estates, have in this respect been sedulously attended to. The superintendents have not been permitted to kill cattle, even for fresh meat, and they have subsisted on their rations, and fish and poultry purchased of the negroes.

The success of the movement, now upon its third month, has exceeded my most sanguine expectations. It has had its peculiar difficulties, and some phases at times, arising from accidental causes, might on a partial view invite doubt, banished however at once by a general survey of what had been done. Already the high treason of South-Carolina has had a sublime compensation, and the end is not yet. The churches which were closed have been opened. No master now stands between these people and the words which the Saviour spoke for the consolation of all peoples and all generations. The Gospel is preached in fulness and purity, as it has never before been preached in this territory, even in colonial times. The reading of the English language, with more or less system, is being taught to thousands, so that whatever military or political calamities may be in store, this precious knowledge can never more be eradicated. Ideas and habits have been planted, under the growth of which these people are to be fitted for the responsibilities of citizenship, and in equal degree unfitted for any restoration to what they have been. Modes of administration have been commenced, not indeed adapted to an advanced community, but just, paternal, and developing in their character. Industrial results have been reached, which put at rest the often reiterated assumption that this territory and its products can only be cultivated by slaves. A social problem which has vexed the wisest approaches a solution. The capacity of a race, and the possibility of lifting it to civilization without danger or disorder, even without throwing away the present generation as refuse, are being determined. And thus the way is preparing by which the peace to follow this war shall be made perpetual.

Finally, it would seem that upon this narrow theatre, and in these troublous times, God is demonstrating against those who would mystify his plans and thwart his purposes, that in the councils of his infinite wisdom he has predestined no race, not even the African, to the doom of eternal bondage.

There are words of personal gratitude which it is not easy to suppress. To the superintendents, who have treated me with uniform kindness and

subordination; to the Rev. Dr. Peck, to whom was assigned the charge of the general interests of Port Royal Island; to the Rev. Mr. French, who was charged with special duties; to the benevolent associations in Boston, New-York, and Philadelphia, without whose support and contributions, amounting, in salaries and donations of specific articles, to not less than twenty thousand dollars, this enterprise could not have been carried on or commenced; to the Flag-Officer of the Squadron and the Generals commanding, for facilities cheerfully afforded, particularly to Brigadier-General Stevens, to whom, as Port Royal, Ladies', and St. Helena Islands, were all within his district, it was necessary often to apply; to the Collector of New-York, with whom the business operations have been conducted; to yourself, for confidence intrusted and continued, I am under special obligations.

But, more than all, in parting with the interesting people who have been under my charge, I must bear testimony to their uniform kindness to myself. One of them has been my faithful guide and attendant, doing for me more service than any white man could render. They have come, even after words of reproof or authority, to express confidence and good resolves. They have given me their benedictions and prayers, and I should be ungrateful indeed ever to forget or deny them. I am your friend and servant,

EDWARD L. PIERCE,
Special Agent of Treasury Department.

Doc. 52.

CAPTURE OF THE ISABEL.

COMMODORE DU PONT'S REPORT.

FLAG-SHIP WARASH,
PORT ROYAL HARBOR, S. C., April 23, 1862. }

SIR: I have just time this morning, before the departure of the *Susquehannah*, to inform the Department of the arrival here of the rebel steamer *Isabel*, (Ella Warley,) in charge of Lieut. Gibson and a prize crew, she having been captured by the *St. Jago de Cuba*, Commander Ridgely, one hundred miles north of Abaco.

She is deeply loaded with Enfield rifles, and has, it is supposed, rifled cannon in her hold, which has not yet been examined. These guns were taken on board, of course, at one of the neutral colonies off our coast.

I am informed by Lieut. Gibson that the *St. Jago de Cuba* discovered and chased the *Nashville*, but the latter was much too swift for her. The *Nashville* also has guns on board for the rebels; intended to run the blockade, if possible.

Very respectfully, your obedient servant,

S. F. DU PONT,
Flag-Officer Commanding, etc.

HON. GIDEON WELLES,
Secretary of the Navy.

Doc. 53.

THE REBEL CONSCRIPTION LAW.*

A Bill to be entitled, "An Act to further provide for the public defence."

In view of the exigencies of the country, and the absolute necessity of keeping in the service our gallant army, and of placing in the field a large additional force to meet the advancing columns of the enemy now invading our soil; therefore,

SEC. 1. *The Congress of the Confederate States of America do enact*, That the President be, and he is hereby authorized to call out and place in the military service of the confederate States, for three years, unless the war shall have been sooner ended, all white men who are residents of the confederate States, between the ages of eighteen and thirty-five years at the time the call or calls may be made, who are not legally exempted from military service. All of the persons aforesaid who are now in the armies of the Confederacy, and whose term of service will expire before the end of the war, shall be continued in the service for three years from the date of their original enlistment, unless the war shall have been sooner ended; provided, however, that all such companies, battalions, and regiments, whose term of original enlistment was for twelve months, shall have the right, within forty days, on a day to be fixed by the commander of the brigade, to reorganize said companies, battalions, and regiments, by electing all their officers, which they had a right heretofore to elect, who shall be commissioned by the President: Provided, further, That furloughs not exceeding sixty days, with transportation home and back, shall be granted to all those retained in the service by the provisions of this act beyond the period of their original enlistment, and who have heretofore not received furloughs under the provisions of an act entitled, "An Act providing for the granting of bounty and furloughs to privates and non-commissioned officers in the provisional army," approved eleventh December, eighteen hundred and sixty-one, said furloughs to be granted at such times and in such numbers as the Secretary of War may deem most compatible with the public interest; and Provided, further, That in lieu of a furlough the commutation value in money of the transportation herein above granted shall be paid to each private, musician, or non-commissioned officer who may elect to receive it at such time as the furlough would otherwise be granted; Provided, further, That all persons under the age of eighteen years, or over the age of thirty-five years, who are now enrolled in the military service of the confederate States, in the regiments, battalions, and companies hereafter to be organized, shall be required to remain in their respective companies, battalions, and regiments for ninety days, unless their place can sooner be supplied by other recruits not now in the service,

who are between the ages of eighteen and thirty-five years, and all laws and parts of laws providing for the reenlistment of volunteers and the organization thereof into companies, squadrons, battalions, or regiments, shall be, and the same are hereby repealed.

SEC. 2. *Be it further enacted*, That such companies, squadrons, battalions, or regiments organized, or in process of organization, by authority from the Secretary of War, as may be within thirty days from the passage of this act so far completed as to have the whole number of men requisite for organization actually enrolled, not embracing in said organizations any persons now in service, shall be mustered into the service of the confederate States as part of the land forces of the same, to be received in that arm of the service in which they are authorized to organize, and shall elect their company, battalion, and regimental officers.

SEC. 3. *Be it further enacted*, That for the enrolment of all persons comprehended within the provisions of this act, who are not already in service in the armies of the confederate States, it shall be lawful for the President, with the consent of the Governors of the respective States, to employ State officers, and on failure to obtain such consent he shall employ confederate officers, charged with the duty of making such enrolment, in accordance with rules and regulations to be prescribed by him.

SEC. 4. *Be it further enacted*, That persons enrolled under the provisions of the preceding section shall be assigned by the Secretary of War to the different companies now in service, until each company is filled to its maximum number, and the persons so enrolled shall be assigned to companies from the States from which they respectively come.

SEC. 5. *Be it further enacted*, That all seamen and ordinary seamen in the land forces of the confederate States, enrolled under the provisions of this act, may, on application of the Secretary of the Navy, be transferred from the land forces to the naval service.

SEC. 6. *Be it further enacted*, That in all cases where a State may not have in the army a number of regiments, battalions, squadrons, or companies sufficient to absorb the number of persons subject to military service under this act, belonging to such State, that the residue or excess thereof shall be kept as a reserve, under such regulations as may be established by the Secretary of War, and that at stated periods, of not greater than three months, details, determined by lot, shall be made from said reserve, so that each company shall, as near as practicable, be kept full. Provided, That the persons held in reserve may remain at home until called into active service by the President. Provided, also, That during their stay at home they shall not receive pay. Provided, further, That the persons comprehended in this act shall not be subject to the rules and articles of war until mustered into the actual service of the confederate States, except that said persons, when enrolled and liable to duty, if they

* See Doc. 20, page 118, Vol. V., REBELLION RECORD.

shall wilfully refuse to obey said call, each of them shall be held to be a deserter, and punished as such under said articles. *Provided, further, That whenever, in the opinion of the President, the exigencies of the public service may require it, he shall be authorized to call into actual service the entire reserve, or so much as may be necessary, not previously assigned to different companies in service under provision of section four of this act; said reserve shall be organized under such rules as the Secretary of War may adopt. Provided, The company, battalion, and regimental officers shall be elected by the troops composing the same; Provided, The troops raised in any one State shall not be combined in regimental, battalion, squadron, or company organization with troops raised in any other States.*

SEC. 7. Be it further enacted, That all soldiers now serving in the army or mustered in the military service of the confederate States, or enrolled in said service under the authorizations heretofore issued by the Secretary of War, and who are continued in the service by virtue of this act, who have not received the bounty of fifty dollars allowed by existing laws, shall be entitled to receive said bounty.

SEC. 8. Be it further enacted, That each man who may hereafter be mustered into the service, and who shall arm himself with a musket, shot-gun, rifle, or carbine, accepted as an efficient weapon, shall be paid the value thereof, to be ascertained by the mustering officer under such regulations as may be prescribed by the Secretary of War, if he is willing to sell the same, and if he is not, then he shall be entitled to receive one dollar a month for the use of said received and approved musket, rifle, shot-gun, or carbine.

SEC. 9. Be it further enacted, That persons not liable for duty may be received as substitutes for those who are, under such regulations as may be prescribed by the Secretary of War.

SEC. 10. Be it further enacted, That all vacancies shall be filled by the President from the company, battalion, squadron, or regiment in which such vacancies shall occur, by promotion according to seniority, except in cases of disability or other incompetency; Provided, however, That the President may, when, in his opinion, it may be proper, fill such vacancy or vacancies, by the promotion of any officer or officers, or private or privates from such company, battalion, squadron, or regiment, who shall have been distinguished in the service by exhibition of valor and skill, and that whenever a vacancy shall occur in the lowest grade of the commissioned officers of a company, said vacancy shall be filled by election: Provided, That all appointments made by the President shall be by and with the advice and consent of the Senate.

SEC. 11. Be it further enacted, That the provisions of the first section of this act, relating to the election of officers, shall apply to those regiments, battalions, and squadrons which are composed of twelve months and war companies combined in the same organization, without regard to

the manner in which the officers thereof were originally appointed.

SEC. 12. Be it further enacted, That each company of infantry shall consist of one hundred and twenty-five rank and file; each company of field-artillery of one hundred and fifty rank and file; and each company of cavalry of eighty rank and file.

SEC. 13. Be it further enacted, That all persons subject to enrolment, who are now in the service, under the provisions of this act, shall be permitted, previous to such enrolment, to volunteer in companies now in the service.

THE EFFECT OF CONSCRIPTION.

President Davis recommends, by special message, a general conscription of all male citizens between the ages of eighteen and thirty-five. The measure would be compulsory, and would be similar to that enforced by probably every government of Europe, except that of Great Britain. We have repeatedly urged this as the only judicious and effective mode of establishing an army and preserving it in completeness through all vicissitudes. The experience of Europe is the experience of all ages and all military powers. Conscription is necessary to the establishment and to the preservation of an efficient army. Sooner or later the Confederacy will be compelled to resort to the policy; and the sooner the necessity is recognized and embraced the better will it be for the public service and safety.

It is well to inquire what would be the size of an army thus created. A very simple arithmetical process will disclose the number of soldiers which the conscription would produce. The free population of the several States of the Confederacy not wholly occupied by the enemy is as follows, giving only fractions of the population for those States partially overrun by the public adversary:

Alabama, ...	529,164
Arkansas, ...	324,323
Florida, ...	78,686
Georgia, ...	595,097
Louisiana, ...	376,913
Mississippi, ...	354,699
North-Carolina, ...	661,586
A fourth of Missouri, ...	264,588
South-Carolina, ...	301,271
Two thirds of Tennessee, ...	558,043
Texas, ...	420,651
Half of Virginia, ...	552,591

Total, ... 5,015,618

This being the aggregate population, what proportion of it are males between the ages of eighteen and thirty-five? By the census of 1850, the population of the United States was twenty-three millions one hundred and ninety-one thousand eight hundred and seventy-six. Of this total, seven millions forty-seven thousand nine hundred and forty-five were given as between the ages in question. Half this number would give three

millions five hundred and twenty-three thousand nine hundred and seventy-two as the males between those ages; which number is fifteen per cent of the aggregate population. This ratio applied to the white population of the Confederacy, as stated above, would give as the number produced by the conscription seven hundred and fifty-two thousand three hundred and forty-two men. If we should add to this number the volunteers from that population of the States of Kentucky, Maryland, and portions of Virginia and Missouri not embraced in the basis of estimate, and the volunteers offering from ages not embraced in the prescribed figures, the aggregate soldiery of the Confederacy would reach the number of eight hundred thousand. It is clear, however, that seven hundred and fifty thousand men could be raised as a permanent force by the conscription.

This force, properly armed and judiciously commanded, would be able to protect the country from any invasion which could be brought against it. It would, of itself, insure the independence of the Confederacy. This force, however, can be raised only by one mode, and that mode is conscription. We urged this measure upon the country many months ago. We have repeated our exhortations often since; and are now glad to find that the subject has attracted the attention and received the approval of the confederate authorities.

—*Richmond Examiner.*

NEW CONSCRIPTION BILL.

On the seventeenth of September, 1862, the rebel House of Representatives passed, after some debate, the following conscription bill by a vote of forty-nine to thirty-nine:

Bill to be entitled an act to provide for the filling up of existing companies, squadrons, battalions, and regiments, and to increase the provisional army of the confederate States:

SEC. 1. *The Congress of the Confederate States of America do enact*, That when the President shall consider an increase of the forces in the field necessary to repel invasions, or for the public safety in the pending war, he is authorized, as hereinafter provided, to call into the military service of the confederate States for three years, or during the present war, if it should be sooner ended, all white male citizens of the confederate States, not legally exempted from such service, between the ages of thirty-five and forty-five years; and such authority shall exist in the President during the present war, as to all persons who now are or may hereafter become eighteen years of age, and, when once enrolled, all persons between the ages of eighteen and forty-five years shall serve their full term, and no one be entitled to a discharge because he may have passed the age of forty-five years before such term of service expires. Provided however, that the regiments raised under and by authority of the State of Texas, and now in the service of said State for frontier defence, are hereby exempted

from the provisions and operations of this act. Provided, That the President, in calling out into the service of the confederate States, troops under the provisions of this act, shall apportion the troops thus to be called out among the several States, taking into consideration their population, between the ages hereinbefore stated, and the number of troops already furnished to the army under former acts.

SEC. 2. That the President shall make such call by requisition upon the governors of the several confederate States for all or any portion of the persons within their respective States between the ages of thirty-five and forty-five years, and also for those who now are or may hereafter become eighteen years old, as aforesaid, not legally exempted; and, when assembled in camps of instruction in the several States, they shall be assigned to and form part of the companies, squadrons, battalions, and regiments heretofore raised in their respective States, and now in the service of the confederate States; and the number that may remain from any State after filling up existing companies, squadrons, battalions, and regiments from such State to their maximum legal number, shall be officered according to the laws of the State having such residue.

SEC. 3. That if the governor of any State shall refuse or shall fail for an unreasonable time, to be determined by the President, to comply with said requisition, then such persons in such State are hereby made subject, in all respects, to an act entitled, "An act further to provide for the public defence," approved April the sixteenth, 1862, and the President is authorized to enforce said act against such persons.

SEC. 4. That for the purpose of securing a more speedy enrolment of the persons rendered liable to military service under this act, the President may, immediately upon making the requisition authorized therein, employ in any State, whose governor shall consent thereto, officers of the confederate States to enroll and collect in the respective camps of instruction all the persons called into service as aforesaid.

SEC. 5. That the persons brought into military service by this act shall be assigned to the company from their State now in the service of the confederate States which they may prefer to join, subject to such regulations as the Secretary of War may establish to secure the filling up of existing companies, squadrons, battalions, and regiments from the respective States: Provided, That persons liable to military service under the provisions of this act, and able-bodied men over the ages of forty-five years, may volunteer and be assigned to duty in such company, from their State, as they may select: Provided, That said company shall not, by reason thereof, be increased beyond its legal maximum number; and provided further, that the right of volunteering in, or of being assigned to, any company, shall not interfere with the objects of this act, or produce inequality or confusion in the different arms of military service.

Provided, That the President is authorized to

suspend the execution of the act to which this is an amendment, authorized under special provision and provisions of said acts, in any locality, when he believes such suspension will promote the public good; that in such localities and during said suspension the President is authorized to receive troops into the confederate service under any of the acts passed by the confederate Congress, prior to the passage of the "Act to further provide for the public defence," passed the sixteenth day of April, 1862.

Doc. 54.

REPORT OF GENERAL SCHOFIELD,

ON THE OPERATIONS IN MISSOURI AND ARKANSAS FOR THE YEAR ENDING NOV. 30, 1862.

On the twenty-seventh day of November, 1861, by order of Major-Gen. Halleck, then commanding the Department of the Missouri, and ex-officer Major-General of the Missouri militia, I was assigned to the "command of all the militia of the State," and charged with the duty of raising, organizing, disciplining, etc., the force of State militia which the Governor of Missouri was authorized to raise under a special agreement with the President.

At first the organization was attended with much difficulty and delay, owing mainly to the want of means to provide for the clothing and subsistence of recruits when first enlisted. This difficulty was, however, at length removed by a more liberal construction of the President's order; and from that time forward, the organization progressed rapidly. The troops were placed upon active duty in the field, in conjunction with United States troops as fast as organized into companies, without waiting for regimental or battalion organizations.

In this, the best of all schools for instruction, a degree of efficiency was acquired seldom equalled by new troops in so short a time.

By the fifteenth day of April, 1862, an active, efficient force of thirteen thousand eight hundred men was placed in the field. This force consisted of fourteen regiments, and two battalions of cavalry, one regiment of infantry, and one battery of artillery.

As rapidly as this force was placed in the field, a corresponding number of United States troops were relieved and sent to join the armies, then operating in the more Southern States. By this means, most of the various districts, into which the State was divided, gradually fell under the command of militia officers, and as a consequence, my command was extended over about three fourths of the State, comprising the northern, central, and eastern portions, with a force of about sixteen thousand volunteers, mostly cavalry, besides the militia force already referred to.

On the tenth day of April, 1862, the Major-General commanding the department left his headquarters in St. Louis to take command of the army

before Corinth, leaving me with the brief but comprehensive instructions, "to take care of Missouri."

Previous to this time the victory of the army, under Major-Gen. Curtis at Pea Ridge, and the activity of the large force still in Missouri, had broken the power of the enemy in the State, leaving it in a condition of comparative peace. Large numbers of the rebel army from Missouri had returned to their homes, and most of the guerrilla bands which had for long time infested the State, had disbanded, or been broken up or captured. Under the humane policy then pursued, most of these had been permitted to renew their allegiance to the United States, and return to their homes as loyal citizens. Our armies in Arkansas, Kentucky, and Tennessee had been successful; the grand army of the Mississippi was pressing the enemy before Corinth; Gen. Curtis, with a formidable force, was approaching Little Rock from the north.

Missouri was quiet, and there seemed no reason to apprehend any further serious difficulty in the State. On the contrary, every thing promised a speedy return of peace and prosperity. In compliance with an order from Major-Gen. Halleck to send him all the infantry within my reach, dated May sixth, 1862, I at once forwarded all the infantry in the State, except a small force of reserve corps guarding the Pacific and Iron Mountain railroads, and two regiments of volunteers in the central and south-western districts, too distant to reach St. Louis before Corinth had fallen, and the order had been countermanded. One regiment of the reserve corps even was sent to Pittsburgh Landing, leaving me only cavalry to guard the long lines of railroads north of the Missouri River, and a portion of the Pacific.

In the movement of the army under General Curtis, after the battle of Pea Ridge, a very large portion of the country south of the Osage and west of the Merrimac, constituting the district of South-western Missouri, was left entirely without troops to protect the loyal people from the small bands of outlaws that still existed in that part of the State, or from the raids of rebel cavalry from Arkansas. Indeed, after the withdrawal of a portion of Gen. Curtis's army to join the force before Corinth, his line of communication with Rolla was seriously endangered and some of his trains destroyed by the enemy. Learning these facts, although the district of country referred to was not under my command, I immediately set in motion three regiments of cavalry, my only available regiment of infantry, and a battery of artillery, from the northern and central portions of the State, to occupy the southern portion and protect General Curtis's line of communication. This distributed the forces under my command over the entire State in such manner as best to suppress insurrection and protect the only exposed portion of the southern border. Yet the force was everywhere too much weakened by this necessary expansion.

On the fifth day of June, 1862, I received orders from Major-General Halleck to move all my

available force toward the southern border, and support General Curtis as far as in my power.

Although I had already reduced my force beyond the limit of safety, I sent, in answer to urgent demands from Gen. Curtis, a regiment of reserve corps, infantry, a battery of artillery and about two regiments of cavalry, with orders to join him by forced marches, and informed him that I would protect his Rolla line and permit him to draw in all the forces engaged on that duty. The infantry mutinied and refused to go further on reaching the Arkansas line, urging the terms of their enlistment.

The battery was stopped on account of information from Gen. Curtis that he wanted no more artillery. The cavalry joined him as ordered.

Although repeatedly urged by Gen. Curtis to send him more troops, I was compelled to say it was impossible.

On the fifth day of June, 1862, at my suggestion, and the request of Gen. Curtis, the State of Missouri (except the three south-eastern counties) was erected into a military district, called the District of Missouri, and placed under my command. The troops in the south-western part of the State to be nevertheless subject to the order of Major-Gen. Curtis. With this latter qualification my command was thereby extended over the district of country lately vacated by the army under Gen. Curtis and subsequently occupied by my troops.

The district of Missouri was divided into divisions, commanded as follows, namely, The North-Eastern division, under Col. John McNeil, M.S.M.; the North-Western division, under Brig.-Gen. Ben. Loan; the Central division, under Brigadier-Gen. James Totten; the South-Western division, under Brig.-Gen. F. B. Brown; the Rolla division, under Col. J. M. Glover, Third Missouri cavalry; and the St. Louis division, under Col. Lewis Merrill, U. S. volunteer cavalry.

The effective force (both volunteer and militia) in the several divisions was as follows, namely:

North-Eastern, ...	1,250
Central, ...	4,750
Rolla, ...	1,500
North-Western, ...	1,450
South-Western, ...	3,450
St. Louis, ...	4,960
Total, ...	17,360

I had hardly made the necessary disposition of my troops, to preserve the peace of the State, upon the supposition that it was to be protected from invasion by the army under Gen. Curtis, when the movement of his force to Helena left the entire southern border unprotected, and the State exposed to the raids of the enemy's cavalry, which it was impossible for me to meet without drawing protection from the homes of loyal people throughout the State, which latter would have been to give the entire State over to pillage and destruction. About this time commenced the execution of a well-devised scheme of the rebel government to obtain large reinforcements

from Missouri, and ultimately to regain possession of the State. A large number of Missourians in the rebel army were sent home with commissions to raise and organize troops for the rebel army. Many of these succeeded in secretly passing our lines and eluding arrest, some were arrested, and others voluntarily surrendered themselves, professing their desire to return to their allegiance, and were permitted to take the oath of allegiance and return to their homes as loyal citizens. These emissaries spread themselves over the State, and while maintaining outwardly the character of loyal citizens, or evading our troops, secretly enrolled, organized, and officered a very large number of men, estimated by their friends at from thirty to fifty thousand. Places of rendezvous were designated where all were to assemble at an appointed signal, and, by a sudden *coup de main*, seize the important points in the State, surprise and capture our small detachments guarding railroads, etc., thus securing arms and ammunition, and coöperate with an invading army from Arkansas.

At an early day I became aware of the impending danger, and asked for coöperation from the force at Helena, and for reinforcements in Missouri. The former was promised but failed. To the latter request I received the reply that some could be furnished. The plan of the enemy had already begun to be developed.

For the purpose of securing arms for the large force enrolled, several bands of considerable strength suddenly sprung into existence and attempted the surprise and capture of some of my small detachments, passing rapidly from post to post, plundering and murdering the loyal people in their path. Thanks to the activity and stubborn resistance of our troops, the rebels met with a very limited success; but with their failure, although repeatedly beaten by our troops, their numbers rapidly augmented, and new bands made their appearance in all parts of the State, and commenced the work of robbery and murder, for which they had been organized. A very large and immediate increase of the force under my command could alone save the State. To obtain this force from the troops then in service was impossible; none could be spared from any quarter. Under these circumstances I determined to call upon the Governor of Missouri for authority to organize all the militia of the State, and to call into active service such force as might be necessary to aid me in destroying the guerrilla bands and in restoring a state of peace. This authority was readily granted, and the work of enrolment, organization, and arming, was immediately commenced. The difficulties attending the execution of this project of making available the entire military power of the State, were at first so great, owing to various causes, and the results of its successful prosecution have been of so great importance, that the subject seems to demand of me more than a passing notice.

It was the first attempt of the kind in this or any other country under similar circumstances, and hence was to a great degree an experiment

in which much was to be learned before it could be prosecuted to perfect results.

The first effect, and which was to be expected, was to cause every rebel in the State, who could possess himself of a weapon of any kind, to spring to arms and join the nearest guerrilla band, thus largely and suddenly increasing the force with which we had to contend. While thousands of others ran to the brush to avoid the required enrolment.

On the other hand, the loyal men throughout those portions of the State which had suffered from rebel outrages, rallied at the first call with an eagerness which showed how deeply they had suffered and how highly they prized the opportunity of ridding themselves, once and forever, of the great evil under which they had so long lived.

In the city of St. Louis and other portions of the State not subject to guerrilla outrages, the case was different. The President's order for a general draft had not yet been issued, but was expected. And this was regarded as a step toward preparation for it. Thousands fled from the State to avoid enrolment. By the disloyal of all shades it was assumed as part of a general conscription, intended to force them into the ranks, to fight against their "Southern friends!" Many young men, who would have been otherwise glad to remain quietly at home, were induced by these misrepresentations to enter the rebel ranks. Indeed, the question what to do with the disloyal among those subject to military duty, was the most difficult one to settle.

Their obligation to the required service was certainly no less, if not far greater, than that of the loyal. It was regarded by the loyal people, and apparently with justice, a great hardship that rebel sympathizers should be excused from the military duty which was required of those who had been faithful to their allegiance. Whatever may be said of the policy of embodying unfaithful men in a large army, it would manifestly have been ruinous in a scattered force, such as the militia must often be, and when the loyal would often be outnumbered by the traitors. It was first proposed to exempt them upon payment of a certain fee, but this proved impracticable. A sum which the poor man in the country could pay was ridiculously small when required of the wealthy man in the city. Many reported loyal men, but more mindful of their comfort than of the salvation of their country, would willingly pay a high fee, which the really loyal poor man could not, and thus throw upon the shoulders of his poor neighbor the burden of which the latter was willing to bear his share, but not the whole.

Finally it was determined to take the high ground that none but those of approved loyalty should be required or permitted to bear arms in defence of the State. I have had no reason since to doubt the correctness of the principle thus established nor the wisdom of the policy pursued under it.

Another serious question was how to provide the means of arming, subsisting, and clothing

this force. A portion of the arms required were supplied from the United States Arsenal, but they were of a kind poorly adapted to the service required of the militia; subsistence was entirely denied, and clothing was out of the question.

The State was entirely without means. The calamity under which the State was suffering had been brought upon her by the influence of prominent wealthy persons, thousands of whom were still living in the State, and even in the city of St. Louis, enjoying the protection of the Government, and many of them growing rich upon the country's calamity. These persons even yet did not hesitate to talk and act treason whenever they could do so with impunity. They even persuaded young men to join the bands of outlaws who were plundering the loyal people and driving them from their homes, and furnished them with arms and money. No permanent peace could be expected in the State until the aiders of the rebellion should be banished or silenced.

For these reasons, after consultation with the Governor of Missouri, I determined to assess and collect from the rebels of St. Louis County the sum of five hundred thousand dollars, to be used in arming, clothing, and subsisting the enrolled militia when in active service, and in providing for those families of militiamen and volunteers which might be left destitute.

Those living in the country were taxed in furnishing subsistence to the troops in pursuit of the enemy. A board composed of five of the most reliable citizens of St. Louis was appointed, and directed to assess and collect the proposed tax.

Its work was but little more than commenced when my command of the district of Missouri ceased. The enrolment and organization of the militia has been steadily pushed forward until the present time, it having been impossible to commence it in some portions of the State until very recently, in consequence of their occupation by large bodies of the enemy, which have now, however, been driven from the State.

The number of men already enrolled and organized into regiments is fifty thousand and nine hundred, about thirty thousand of whom are armed, while the State government has on hand several thousand stand of arms, which may be distributed when necessary. I believe it may safely be said that Missouri is now in condition to suppress almost instantly any insurrection which can be conceived as possible, even if all the troops now in active service were withdrawn from the State. She has at the same time about forty thousand men in the service of the United States, consisting of:

Volunteers—Twenty-eight regiments of infantry, ten regiments of cavalry, and sixteen batteries of artillery.

Militia—Twelve regiments of cavalry, one regiment of infantry, and two batteries of artillery.

Missouri may now fairly be classed among the loyal States. May not the experiment, which has been so successful here, be tried with equal promise of success in other States?

The order for a general enrolment was issued on the twenty-second day of July, 1862.

By the twenty-ninth of the same month about twenty thousand men had been organized, armed, and called into active service.

Many of these were mounted, and joined the regular troops in active operations in the field. Others relieved the forces guarding important railroad dépôts, while some portions of the State were given over entirely to the protection of the enrolled militia. Particularly was this the case in the north-western portion.

The entire North-Western division, under the command of Brig.-General Ben. Loan, was very soon in a condition to take care of itself, the other troops being sent first to the North-Eastern division, and afterward transferred, with their very efficient commander, to the Central division. Brig.-Gen. W. P. Hall, of the enrolled militia, was assigned to the command of the North-Western division on the twenty-fifth day of August, 1862; since which time perfect peace has been maintained in that portion of the State, without any aid whatever from the United States.

The desperate and sanguinary guerrilla war which for nearly two months raged, almost without cessation, may be said to have begun about the twentieth of July, 1862, by the assembling of small bands under Porter, Poindexter, and Cobb, who immediately commenced to rob and drive out the loyal people. Seeing that the war had begun in earnest, I rapidly concentrated my available cavalry force into bodies sufficiently strong to cope successfully with the largest bodies of guerrillas, and sent as large reinforcements as possible to the principal theatre of guerrilla operations, leaving such posts and railroad bridges as it was indispensable to hold under guard of the enrolled militia and other troops not efficiently mounted. The principal theatre of operations was at this time the North-Eastern division, commanded by Col. McNeil, and a large portion of the St. Louis division lying north of the Missouri River and commanded by Col. Merrill. United action in that district being necessary, that portion of the St. Louis division which lay north of the Missouri River was added to the North-Eastern division, and the whole placed under command of Colonel Merrill, Brigadier-General Davidson relieving him in command of the St. Louis division.

The troops under Col. Merrill's command consisted of three thousand two hundred cavalry, — thousand four hundred infantry, and six pieces of artillery, besides the enrolled militia. The rebel bands under Porter, Poindexter, Cobb, and others of less note, amounted to somewhat more than five thousand men; the number in one band varying, with their varied success, from a few hundred to three thousand.

Determined to destroy this force, and in any event not to allow it to join the enemy south of the river, I caused all boats and other means of crossing the Missouri River, and under guard of my troops, to be destroyed or securely guarded, and stopped all navigation of the river, except by

strongly guarded boats, and for a short time under convoy of a gunboat, extemporized for the purpose of patrolling the river. These means proved effectual. Though broken up and scattered, captured, or killed, no considerable number ever succeeded in making their way to the South.

My troops were directed to move entirely without baggage, carrying a few necessary articles of subsistence on their horses, and to take whatever else might be necessary from the rebels of the country. They were also directed to remount themselves from the best horses that could be found as fast as their own should fail, and to give the enemy no rest, day or night, until they should be totally broken up and destroyed.

Porter's band was immediately pursued by our cavalry, almost without intermission, for twelve days, during which time he was driven over a distance of nearly five hundred miles, and forced to fight our troops nine sharp engagements.

His force increased, during the first few days, from two or three hundred to three thousand, which it reached on the sixth of August at Kirksville, where he was attacked by Colonel McNeil, with about one thousand cavalry and six pieces of artillery. The engagement was very desperate, and lasted about four hours. It resulted in a total defeat of the rebels. Their loss was one hundred and eighty killed, about five hundred wounded, and a large number taken prisoners or scattered. Several wagon-loads of arms fell into our hands. In this single engagement Porter's force was reduced from three thousand to about eight hundred, and his power and influence entirely broken. Our loss at Kirksville was twenty-eight killed and about sixty wounded.

Our troops behaved with great gallantry, and were handled with consummate skill by their commander, Col. McNeil. Among the other officers especially deserving mention are Lieut.-Col. Shaeffer and Major Clopper, of Merrill's Horse; Major Caldwell, First Iowa cavalry; Major Benjamin and Major Dodson, of the Missouri militia.

Poindexter's gang had increased to about twelve hundred men before a sufficient force could be collected to break him up. About the eighth of August Col. Guitar, Ninth cavalry M.S.M., with about six hundred men and two pieces of artillery, started in pursuit of Poindexter, overtaking and attacking him while crossing the Charitan River, on the night of the tenth. A very large number of the enemy were killed, wounded, and drowned. Many horses and arms, and all their spare ammunition and other supplies, were captured.

Poindexter moved rapidly northward to effect a junction with Porter, but was intercepted and driven back by the troops of the North-Western division, under General Loan, which force at the same time drove Porter back upon McNeil, and compelled him to disperse his band to save it from destruction. Poindexter being forced back by Loan, was again struck by Guitar, and, after a running fight of nearly forty-eight hours, his entire force was killed, captured, or dispersed.

The bandit leader himself, after wandering alone through the woods for several days, fell into the hands of the militia.

Col. Guitar and his troops deserve great credit for their gallantry and untiring energy. To the promptness and energy of General Loan and his command, in throwing themselves between Porter and Poindexter, was due in a great degree the speedy destruction of the latter. The rebel forces under Porter and Poindexter having been broken up, the band of robbers under Cobb soon dispersed or broke up into small parties, the more securely to continue their systematic plunder and murder of loyal men. To dispose of these fragments of the recently formidable bands of guerrillas, then scattered over the entire State, was necessarily a work of time. Many of them still held together with great tenacity in small bands, and endeavored to continue the system of petty war, which had been going on for some time previous to the general insurrection. But through the activity of our troops, and the important aid of our militia, now organized in large numbers, and thoroughly acquainted with the country and people, the outlaws were soon hunted down, and either killed, captured, or driven out of the State.

It would be impossible to give a detailed report of all the minor affairs in which our troops were engaged during this period, or to do justice to the many gallant officers and men who were distinguished in this arduous and most unpleasant service. From the first of April to the twentieth of September our troops met the enemy in more than one hundred engagements, great and small, in which our numbers varied from forty or fifty to ten or twelve hundred, and those of the enemy from a few men to four or five thousand. In not more than ten of these were our troops defeated. Our entire loss, so far as reported, was seventy-seven killed, one hundred and fifty-six wounded, and three hundred and forty-seven prisoners—most of the latter taken in the capture of Independence and Newark. That of the enemy was five hundred and six killed, about eighteen hundred wounded, and five hundred and sixty prisoners taken in battle, beside the large number who have recently surrendered or fled from the State. The whole number killed, wounded, captured, and driven away cannot fall short of ten thousand.

In closing this part of my report I desire to express my obligation to the principal officers who aided me in the difficult task of restoring peace to Missouri. Brig.-Gens. Davidson, Loan, Totten, and Brown; Cols. Merrill, Glover, and McNeil, performed most valuable service in the wise administration of the affairs of their respective divisions. Cols. McNeil, Guitar, Wright, Smart, Phillips, Warren; Lieut.-Cols. Shaeffer, Crittenden; Majors Clopper, Hunt, Caldwell, Bauzof, Hubbard, Foster, Lazear, showed on numerous occasions gallant and officer-like qualities, which on a larger field would have secured for them the highest commendations.

I regret that the absence of detailed reports, much too common in this kind of warfare, ren-

ders it impossible for me to mention the names of junior officers and men who were particularly distinguished for good conduct.

Tidings of the disasters to the rebels in Northern Missouri having reached the enemy in Arkansas, a powerful effort was made, by throwing a strong mounted force from Arkansas into the district bordering the Missouri River, and at the same time rallying all the insurgents into the central and southern portions of the State, to seize some favorable crossing of the Missouri River, and enable the bands north of the Missouri River to cross and join those below. On the eleventh day of August, 1862, a rebel force from five to eight hundred strong attacked and captured the town of Independence; the garrison, three hundred and twelve strong, under Lieut.-Col. Buel, of the Seventh Missouri cavalry, surrendering after a short resistance.

On the thirteenth day of August, 1862, I was informed that Coffey, with about one thousand five hundred cavalry, had succeeded in evading the forces under General Brown near Springfield, and was moving rapidly toward the north. General Brown, under my direction, sent Colonel Clark Wright, Sixth Missouri cavalry, with about one thousand two hundred men, in pursuit of Coffey; and Gen. Totten, commanding the Central division, was ordered to strike the force which had just captured Independence before it could effect a junction with the force under Coffey. Brig.-Gen. Blunt, commanding the Department of Kansas, was also requested to send a force from Fort Scott to coöperate with Col. Wright in cutting off Coffey's retreat.

On the fourteenth of August, Gen. Totten sent Major Foster, Seventh militia cavalry, from Lexington with about eight hundred men and two pieces of artillery; also, Col. Fitz-Henry Warren with one thousand five hundred men from Clinton, with orders to effect a junction near Lone Jack, and attack the force under Hughes and Quantrel, supposed to be somewhere in Jackson County, and known to have been largely reinforced by the insurgents from the surrounding country.

Colonel Warren failed to make a junction with Major Foster, and the latter met the combined forces of Coffey and Hughes at Lone Jack.

After a severe conflict, attended with great loss on both sides, the gallant Major Foster was very severely wounded, his two pieces of artillery captured, and his command forced to fall back to Lexington. It was now ascertained that the enemy's force, already augmented to four thousand five hundred men, and rapidly increasing, was marching on to Lexington, and would doubtless have attacked that place next day had it not been checked by the engagement with Major Foster.

As soon as the news of our defeat at Lone Jack reached me, I requested General Blunt—who, in compliance with my previous request, had taken the field in person with a strong force—to push forward north of the Osage and coöperate with General Totten, and the latter took command in

person of all his available cavalry and artillery, and moved against the enemy. Gen. Loan, whose troops had been coöperating with Col. Merrill in North-Eastern Missouri, was ordered to Lexington with all his available force. All these movements were executed with such promptness as to prevent any further loss, and to speedily rid the State of the daring invader. Coffey, becoming alarmed at the large force in his rear, abandoned his cherished hope of capturing Lexington and relieving the rebels north of the river. Upon the approach of General Blunt's force, Coffey eluded him in the night, and, though hotly pursued to the Arkansas line by General Blunt and Colonel Wright, succeeded in making his escape, but with considerable loss.

The central portion of the State having thus been cleared of the great body of insurgents, and there being no further serious difficulty to be apprehended north of the river, Gen. Totten, who had moved as far south as Clinton, was directed to continue with the force then under his command in the field to Springfield, and assume command of the South-Western division.

Gen. Loan was assigned to the command of the Central division, taking with him the two regiments of cavalry which had been under his command north of the river; while the North-Western division was turned over to the enrolled militia, under Brig-Gen. Hall.

These changes were ordered on the twenty-fifth day of August, since which time no serious difficulty has occurred in the central portion of the State.

Under the wise and vigorous administration of General Loan, peace has been gradually restored, and, it is hoped, firmly established.

In the eastern and south-eastern portions of the State no very serious difficulty occurred, although no part of it, not even St. Louis County, was entirely exempt from the depredations of small bodies of guerrillas. About the fifteenth of April, the First Wisconsin cavalry, under Col. Edward Daniels, were sent to Cape Girardeau with orders to drive out the rebels from the south-eastern counties, and hold the few passes through the swamps by which inroads could be made.

This officer, in violation of his instructions, abandoned the district of country placed under his special care, and with nearly his entire regiment marched into Arkansas, and joined the command of General Curtis, at Helena. These facts were reported to General Curtis, and he was requested to send Colonel Daniels and his regiment back to their duty, but the request was not complied with.

This left Cape Girardeau and the country in its vicinity exposed to serious danger, from which they were rescued only by the determined action of the few troops left, and timely reinforcements from Pilot Knob and St. Louis.

It now became necessary to seriously turn attention to the condition of the southern border of Missouri, and the enemy's forces in Arkansas. Notwithstanding the destruction of the rebel bands in North-Missouri, and the capture of

large numbers south of the river, it was evident that large reinforcements from the central and southern portions of the State had reached the enemy in Arkansas, while in the latter State a rigid conscription had swelled the enemy's ranks to large proportions. Reliable information also showed that a considerable force (fourteen or fifteen regiments) was on the way from Texas. On the tenth day of September the strength of the enemy in Arkansas was estimated at from forty to seventy thousand men — much the greater weight of testimony being in favor of the larger number. Subsequent events have shown the true number to have been probably about fifty thousand. The plan of the enemy was also sufficiently ascertained.

A vigorous attempt was to be made to reënter South-western Missouri, while strong demonstrations were to be made on Pilot Knob and Rolla, for the purpose of diverting attention from the south-west, and if possible to cut off supplies and reinforcements from the army at Springfield.

A cavalry and artillery force, about seven thousand strong, under Cooper, was sent as far north as Newtonia, while Rains, with about six thousand infantry and some artillery occupied the country about Pea Ridge and Cross Hollows. In addition to this there were several thousand unarmed conscripts, for whom arms were expected daily.

This entire force was under the command of Hindman, who had, however, at this time gone to Little Rock, to bring forward the required arms and other supplies. McBride and Parsons, with about four thousand men, were near the Arkansas line, south of Pilot Knob and Rolla, and were reported to be the advance of the main body of the enemy's force intended to march on Pilot Knob or Rolla. The enemy was pressing our troops at all points, and was apparently about ready to commence a general aggressive movement. Want of arms for the conscripts was evidently the only cause of delay.

Their forces were more numerous than ours at every point. The fortunate capture of several thousand stand of arms by the National gunboats on the Mississippi delayed the enemy's advance and gave us time for preparation.

On the twelfth day of September I informed the General-in-Chief of the state of affairs, and asked him for the long-expected coöperation of the army at Helena; also on the twenty-eighth day of August and on the eleventh of September I urged the necessity of united action between General Totten's command in South-western Missouri and that of General Blunt in Kansas, neither force alone being sufficient to cope with the enemy, and suggested that on this account they should be placed under the same command.

I had concentrated at Springfield all the force that could be spared from other portions of the State, and had sent forward under Brigadier-General Herron four regiments of infantry of the new levies, which had been sent me at my request.

The force at Pilot Knob and Rolla was also in-

crossed, so as to make those points secure against any present danger, while the large reserve of enrolled militia in the city and county of St. Louis, under command of Brigadier-General J. B. Gray, were ordered to be prepared as soon as possible to reinforce those places, should an unexpected emergency arise. Having thus, as I believed, secured the eastern portion of the State against any immediate danger, and in the expectation of a favorable reply from the General-in-Chief touching the desired cooperation of General Steele's and General Blunt's forces, I determined to go to Springfield at once and take command in person of the united forces, and in conjunction with General Steele to drive the enemy not only from Missouri but from the Arkansas valley. At the moment of my departure I received a communication from the General-in-Chief directing me to communicate with General Steele and endeavor to arrange some plan of cooperation with my troops. I immediately despatched a letter to General Steele, at Helena, (of which the inclosed, marked "A," is a copy,) urging upon him the necessity of immediate action.

I had long been promised that a diversion in my favor, on the part of the force at Helena, would be made by a movement into the interior of Arkansas, and had repeatedly and urgently requested that it might not be longer delayed. I was apprehensive that even then the movement had been too long delayed to be effectual, and presumed that the cause of this delay must be that the Commanding General at Helena did not regard his force as strong enough for the purpose.

I therefore suggested that the force at Helena should be thrown between the enemy and my troops at Pilot Knob and Rolla, where it could be reinforced by the latter, and thus be made strong enough for the desired movement, and at the same time cover my base of operations and the Rolla and Springfield line. I had no thought of asking for a part of General Steele's force simply to assist me in holding Pilot Knob and Rolla, but to place him in a condition to move immediately and effectually on Little Rock if he were not already prepared to do so. This, it seems to me, is the only construction that can be put upon my letter to General Steele and my subsequent telegram to Gen. Curtis, (a copy of which is herewith inclosed and marked "B,") although they seem to have been misunderstood. This misapprehension is the only reason for my alluding to the matter here.

It is to be observed that at the date of my letter to General Steele, Kansas and Missouri were not in the same department, and that even at the date of my telegram to General Curtis, General Blunt's force had not been placed under my command.

My force at Springfield was quite sufficient to cope with the enemy in its front. I had ordered three regiments of infantry and a battery to Rolla, to hold that place until General Steele's movement should render it secure, and then to join me at Springfield. Subsequently General Curtis placed the Kansas division under my command, and re-

tained the three regiments of infantry at Rolla, making the force there and within supporting distance about seven thousand strong; quite sufficient for its defence.

On the twenty-fourth of September, Major-Gen. Curtis assumed command of the department of the Missouri. I had already on the twenty-third, in anticipation of his arrival, directed Lieutenant-Colonel Marsh, who was in charge of my office in St. Louis, to furnish General Curtis with a copy of my letter to General Steele, and to give him full information of the condition of affairs in Missouri.

The Commanding General of the department being in position to attend to the State in general better than myself, I requested to be relieved from the command of the district of Missouri and to be permitted to retain that of the troops in the field in the South-west.

This request was granted, and my command of the district of Missouri ceased on the twenty-sixth day of September, 1862.

The effective force under my command at and near Springfield was four thousand eight hundred infantry, five thousand six hundred cavalry, and sixteen pieces of artillery—making a total of ten thousand eight hundred.

Of this force two thousand five hundred were required to guard the line of communication with Rolla and the dépôt of supplies at Springfield, leaving me eight thousand three hundred men for active operations. Two regiments of cavalry were, however, incomplete in their organization and equipment, and could not take the field until some time later.

A brigade of cavalry under General Brown, and two brigades of General Blunt's command under General Salomon and Colonel Weer, were in the vicinity of Sarcoxie, in observation of the enemy's force, which had advanced as far as Newtonia.

General Curtis having on the twenty-seventh day of September placed General Blunt's command subject to my orders, I immediately requested General Blunt to send forward all available reinforcements to Sarcoxie, informing him that I would join him there with a considerable force. I immediately organized a division, about six thousand strong, (including General Brown's brigade,) under command of General Totten, and sent it onward on the thirtieth of September.

On the thirtieth a small force sent out by Gen. Salomon to reconnoitre the enemy's position, became engaged with a greatly superior force of the enemy's cavalry at Newtonia, and suffered severely.

General Salomon moved forward to their support with the remainder of his force, and despatched to Colonel G. H. Hall, M.S.M., (then commanding General Brown's brigade,) for assistance.

General Salomon reached the scene of action at twelve o'clock M., and renewed the engagement, which continued until near sunset, without serious loss on our side, when General Salomon retired from the field closely pressed by the enemy. At this moment Colonel Hall arrived upon the

field with about fifteen hundred cavalry, and Captain Murphy's battery attacked the enemy in flank and checked his advance, and effectually covered the retreat of General Salomon's brigade. Colonel Hall deserves commendation for the efficient service rendered on that occasion.

The entire force engaged on our side was about four thousand five hundred men.

The enemy displayed eleven regiments of cavalry and one battery of artillery—probably about seven thousand men.

Gaining imperfect tidings of this affair, and apprehending that the enemy might press his success and do us great damage, I started on the morning of the first of October, overtook General Totten's division, and proceeded with it to Colonel Hall's camp, five miles east of Sarcocia, reaching that place on the evening of the second October. To my great satisfaction, I was there met the next morning by Gen. Blunt, who had pressed forward rapidly from Fort Scott with small reinforcements.

My force was now about ten thousand strong; that of the enemy variously estimated at from thirteen to twenty thousand at Newtonia. I had reliable information that Rains, with his force of infantry and artillery, was coming up to Newtonia, and had probably already moved at that place.

After a brief consultation with General Blunt, it was decided to move upon the enemy that night and attack him at daylight the next morning. General Blunt's division entered the prairie on which Newtonia is situated from the north and west in three columns, and General Totten's division in a single column from the east. Rains had failed to come up as ordered, and the enemy, in anticipation of our attack, had sent their baggage to the rear, and were preparing to retreat.

Our cavalry and artillery immediately charged upon the enemy, the latter fleeing precipitately across the prairie, and escaping into the timber some three miles from the town.

A strong force of cavalry and light howitzers was pushed forward in pursuit, harassing the enemy and inflicting upon him considerable loss, until he was driven through Pineville into Arkansas. Our loss in this affair was only four wounded; that of the enemy could not be ascertained, as the fight extended over thirty miles of timbered country. Eighteen of the enemy's dead were left in the road.

On leaving Springfield I had only hoped to effect a junction with General Blunt, and occupy a position far enough in advance to cover both Fort Scott and Springfield, and thus secure the ground we held until the arrival of reinforcements, which were on their way from Fort Leavenworth, and those for which I had asked General Curtis from Rolla.

But from information gained at and soon after the time of the affair at Newtonia, it was evident that our movements were in advance of the enemy's preparation to meet us; that his large mass of conscripts had not yet received arms, and that he was far from being ready to carry out his plan

for the invasion of Missouri. I was also satisfied that my force, small as it was, was more formidable than that of the enemy, notwithstanding his great superiority in numbers.

I therefore ordered General Herron, with all the available force left at Springfield, to move forward toward Cassville, which point he reached on the fourteenth. The main column had reached the same point on the twelfth.

Having obtained reliable information that the enemy were concentrating at Cross Hollows, and would probably make a stand near that point, I moved forward to the old battle-ground of Pea Ridge on the seventeenth October. From this place I sent forward a strong cavalry reconnoissance, which returned on the eighteenth of October. I learned that the enemy had divided his forces, sending a detachment of cavalry and artillery, under Cooper, in the direction of Maysville, evidently for the purpose of striking our Fort Scott line, while Rains, with the main body of infantry and artillery, and a small cavalry force, had gone in the direction of Huntsville, and two thousand five hundred or three thousand cavalry had been left in our front to conceal these movements. I immediately sent General Blunt, with Colonel Weer's and Colonel Cloud's brigades, in pursuit of Cooper, and marched with General Totten and General Herron's divisions toward Huntsville, leaving General Salomon's brigade, of Blunt's division, at Pea Ridge.

General Blunt, after a hard night's march, attacked Cooper in his camp at Old Fort Wayne, near Maysville, and after a short but sharp engagement captured all his artillery, (four pieces,) and completely routed him. The enemy fled in great disorder across the Arkansas River to Fort Gibson. General Blunt's loss was very small; that of the enemy considerable. The details of this gallant affair are given in General Blunt's official report, already transmitted to department headquarters. This brilliant success illustrated in a high degree the energy and gallantry for which General Blunt and his division are so justly celebrated.

After an almost continuous march of twenty-four hours' duration over White River Mountains, Gen. Totten's and Herron's divisions reached a point eight miles west of Huntsville, where the enemy had encamped the day before. The next morning my advance was pushed forward to Huntsville, where it found a small number of the enemy's cavalry, who fled upon our approach. We now learned that the enemy was retreating across the mountains in the direction of Ozark, and had no intention of giving us battle until reinforcements should arrive. Further pursuit being therefore useless, and even impossible to any considerable extent, I marched via Bentonville road to Cross Hollows and Osage Springs, reaching those places on the twenty-second October.

The expedition to Huntsville resulted in gaining the important information that Gen. Hindman had just returned to his command, and that the recent movements had been under his orders;

that a small supply of arms and clothing for the conscripts had arrived at Ozark; that McRea, with a brigade of troops, would be up in a few days, and that McBride and Parsons, who had recently been threatening Pilot Knob and Rolla, were also *en route* to join Hindman's command, with from three to four thousand men.

These reports, not credited at first, were so corroborated in a few days as to leave little doubt of their truth. Having learned that there were still three or four thousand of the enemy's cavalry north of the mountains, encamped on the main fork of White River, about eight miles from Fayetteville, I sent Gen. Herron, with all the available cavalry of his division across the White River Mountains to strike the enemy in rear; and Gen. Totten, with the cavalry of his division and battery of artillery, *via* Fayetteville to attack the enemy in front, while the remainder of General Totten's division moved forward at the same time to Fayetteville to support the cavalry if necessary. General Herron reached the enemy's camp at early dawn on the morning of the twenty-eighth, and immediately attacked them with such vigor that, notwithstanding their greatly superior numbers, they were quickly driven from their camp and retreated rapidly into the mountains. They were pursued several miles by a portion of General Herron's command.

General Totten's force did not get up in time to take part in the engagement.

Our loss was five wounded, (one mortally.) The enemy left eight killed and seven wounded on the field. All their camp equipage was destroyed by our troops—a severe loss to them.

Our troops engaged in this affair were of the First Iowa cavalry and Seventh militia cavalry. Total, about one thousand men. General Herron and his men deserve special mention for the energy and gallantry displayed.

We had now driven the last of the enemy's scattered forces across the mountains, where it was impracticable to follow them with any valuable result until corresponding movements, not yet begun, in Eastern Arkansas should enable us to open communication with Little Rock, and draw our supplies from that direction. Nothing could be done but await future events.

Information recently obtained had left no room for doubt that the enemy was receiving considerable reinforcements, and making preparations to contest with us the possession of North-western Arkansas and South-western Missouri.

I therefore determined, while keeping my divisions in supporting distance, to occupy positions north of the mountains, where corn and wheat could be obtained, retiring slowly as these supplies should be exhausted, until a further advance should become practicable, or the enemy should get ready to give us battle.

The enemy's effective force was at this time, (including those *en route* to join him, and of which I had information,) about twenty thousand men, and would be increased to twenty-five or twenty-eight thousand should he get arms for his conscripts. My effective force was about sixteen

thousand, but much superior to that of the enemy in artillery, and in efficiency of troops, by this time well-disciplined and inured to fatigue by constant active service. Hence there was no reason to doubt the result of a battle, whenever and wherever the enemy should be pleased to give it.

Accordingly, on the thirtieth, I took up positions at Cross Hollows, Osage Spring, and Prairie Creek, a short distance west of Bentonville.

In compliance with orders from the Major-General commanding the department, on the third of November I directed General Totten's and Herron's divisions to march at once to Crane Creek, near Springfield, Gen. Blunt's division remaining in the north-western part of Arkansas.

On the thirteenth day of November I was directed to move with Totten's and Herron's divisions, *via* Ozark, toward Huston, in Texas County. The command had only reached Ozark when a report from General Blunt that the enemy was advancing upon him caused the order to be countermanded, and the two divisions to march to the support of Gen. Blunt. The report of Gen. Blunt proved premature, and the two divisions were halted at Crane Creek, where they were on the twentieth of November, when sickness compelled me to relinquish, at least temporarily, my command of the army of the frontier and the district of the South-west Missouri.

I should do injustice to my own feelings, as well as to a gallant army, were I to close this report without acknowledging my indebtedness to the able generals and to the gallant officers and men composing the army of the frontier.

To my division commanders, Generals Blunt, Herron, and Totten, am I and the country under special obligations for their prompt and cordial co-operation with me in the discharge of every duty. While deeply regretting my (to me) unfortunate absence, it affords me great gratification to know that my noble little army has, under the gallant Blunt and Herron, added another and greater proof of its high qualities in the hard-fought battle and brilliant victory over greatly superior numbers on the memorable field of Fayetteville.

Doc. 55.

. CONFISCATION IN CALIFORNIA.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
SAN FRANCISCO, April 30, 1862.

Whereas, It having come to the knowledge of the undersigned, that there are certain persons, either holding office under the rebel government, or aiding and abetting the enemies of the United States; and that such person or persons are owners of real estate or personal property within the limits of this Military Department: It is hereby declared that all such estates or property are subject to confiscation for the use and benefit of the United States.

It is further declared, That all sales or transfers of real estate or personal property, by any person or persons holding office under the rebel

government, or who may be aiding and assisting the enemies of the Union, whether made by them personally or by their agents, shall be null and void.

G. WRIGHT,
Brigadier-General United States Army Commanding.

Doc. 56.

THE BRITISH NEUTRALITY LAWS.

PROCLAMATION FOR THE BAHAMAS.

Bahama Islands.—By His Excellency Charles John Bayley, Esq., Governor and Commander-in-Chief in and over the said Islands; Chancellor, Vice-Admiral, and Ordinary C. J. Bayley, of the same, a Proclamation.

WHEREAS, His Grace the Duke of Newcastle, Her Majesty's Principal Secretary of State for the Colonies, has transmitted for my guidance the following copy of a despatch from the Right Honorable Earl Russell, Her Majesty's Principal Secretary of State for Foreign Affairs:

Foreign Office, Jan. 31, 1862.

MY LORD DUKE: Her Majesty being fully determined to observe the duties of neutrality during the existing hostilities between the United States and the States calling themselves the confederate States of America, and being, moreover, resolved to prevent, as far as possible, the use of Her Majesty's harbors, ports, and coasts, and the waters within Her Majesty's territorial jurisdiction, in aid of the warlike purposes of either belligerent, has commanded me to communicate to your Grace, for your guidance, the following rules, which are to be treated and enforced as Her Majesty's orders and directions.

Her Majesty is pleased further to command that these rules shall be put in force in the United Kingdom, and in the Channel Islands, on and after Thursday, the sixth day of February next, and in Her Majesty's territories and possessions beyond the seas six days after the day when the Governor, or other chief authority of each of such territories or possession respectively, shall have notified and published the same, stating in such notification that the said rules are to be obeyed by all persons within the same territories and possessions.

1. During the continuance of the present hostilities between the Government of the United States of North-America and the States calling themselves the confederate States of America, or until Her Majesty shall otherwise order, no ships of war or privateers belonging to either of the belligerents shall be permitted to enter or remain in the port of Nassau, or in any other port, roadstead, or waters of the Bahama Islands, except by special leave of the Governor of the Bahama Islands, or in case of stress of weather. If any such vessel should enter any such port, roadstead, or waters, by special leave or under stress of weather, the authorities of the place shall require her to put to sea as soon as possible, without permitting her to take in any supplies beyond what may be necessary for her immediate use.

If, at the time when this order is first notified

in the Bahama Islands, there shall be any such vessel already within any port, roadstead, or waters of those islands, the Governor shall give notice to such vessel to depart, and shall require her to put to sea within such time as he shall, under the circumstances, consider proper and reasonable. If there shall then be ships of war or privateers belonging to both the said belligerents within the territorial jurisdiction of Her Majesty, in or near the said port, roadstead, or waters, the Governor shall fix the order of time in which such vessels shall depart. No such vessel of either belligerent shall be permitted to put to sea until after the expiration of at least twenty-four hours from the time when the last preceding vessel of the other belligerent (whether the same shall be a ship-of-war, or privateer, or merchant ship) which shall have left the same port, roadstead, or waters adjacent thereto, shall have passed beyond the territorial jurisdiction of Her Majesty.

2. During the continuance of the present hostilities between the Government of the United States of North-America and the States calling themselves the confederate States of America, all ships-of-war and privateers of either belligerent are prohibited from making use of any port or roadstead in the United Kingdom of Great Britain and Ireland, or in the Channel Islands, or in any of Her Majesty's colonies or foreign possessions or dependencies, or of any waters subject to the territorial jurisdiction of the British crown, as a station or place of resort for any warlike purpose, or for the purpose of obtaining any facilities of warlike equipment; and no ship-of-war or privateer of either belligerent shall hereafter be permitted to sail out of or leave any port, roadstead, or waters, subject to British jurisdiction, from which any vessel of the other belligerent (whether the same shall be a ship-of-war, or privateer, or a merchant ship) shall have previously departed, until after the expiration of at least twenty-four hours from the departure of such last-mentioned vessel beyond the territorial jurisdiction of Her Majesty.

If any ship-of-war or privateer of either belligerent shall, after the time when this order shall be first notified and put in force in the United Kingdom and in the Channel Islands, and in the several colonies and foreign possessions and dependencies of Her Majesty respectively, enter any port, roadstead, or waters belonging to Her Majesty, either in the United Kingdom or in the Channel Islands, or in any of Her Majesty's colonies, or foreign possessions or dependencies, such vessel shall be required to depart and put to sea within twenty-four hours after her entrance into such port, roadstead, or waters, except in case of stress of weather, or of her requiring provisions or things necessary for the subsistence of her crew, or repairs, in either of which cases the authorities of the port, or of the nearest port, (as the case may be,) shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours, without permitting her to take in supplies beyond what may be necessary for her immediate use; and no such ves-

sel which may have been allowed to remain within British waters for the purpose of repair shall continue in any such port, roadstead, or waters for a longer period than twenty-four hours after her necessary repairs shall have been completed; *provided*, nevertheless, that in all cases in which there shall be any vessels (whether ships-of-war, privateers, or merchant ships) of both the said belligerent parties in the same port, roadstead, or waters within the territorial jurisdiction of Her Majesty, there shall be an interval of not less than twenty-four hours between the departure therefrom of any such vessel (whether a ship-of-war, a privateer, or a merchant ship) of the one belligerent, and the subsequent departure therefrom of any ship-of-war or privateer of the other belligerent; and the times hereby limited for the departure of such ships-of-war and privateers respectively shall always, in case of necessity, be extended so far as may be requisite for giving effect to this proviso, but not further or otherwise.

4. No ship-of-war or privateer of either belligerent shall hereafter be permitted, while in any port, roadstead, or waters subject to the territorial jurisdiction of Her Majesty, to take in any supplies, except provisions and such other things as may be requisite for the subsistence of her crew; and except so much coal only as may be sufficient to carry such vessel to the nearest port of her own country, or to some nearer destination; and no coal shall be again supplied to any such ship-of-war or privateer, in the same or any other port, roadstead, or waters subject to the territorial jurisdiction of Her Majesty, without special permission, until after the expiration of three months from the time when such coal may have been last supplied to her within British waters as aforesaid. I have, etc.,

RUSSELL.

His Grace the Duke of Newcastle, etc., etc., etc.

Now, therefore, I do hereby issue this my proclamation, notifying and publishing the foregoing despatch for general information and the guidance of all and every person and persons whom it may in any wise concern or affect, to the intent that they may respectively take notice of the same and govern themselves accordingly.

Given under my hand and the seal of the said Bahama Islands, at Nassau, in the Island of New-Providence, the eleventh day of March, in the year of our Lord one thousand eight hundred and sixty-two, and in the twenty-fifth year of Her Majesty's reign. By His Excellency's command.

C. R. NESBITT,

Colonial Secretary.

GOD SAVE THE QUEEN!

Doc. 57.

COL. STREIGHT'S EXPEDITION.

JOURNAL OF H. BREIDENTHAL, SERGEANT CO. A,
THIRD OHIO VOL. INFANTRY.

MUMFRESSBORO, TENN., April 6, 1862.

CONSIDERABLE excitement has been caused to-day by the intelligence that our regiment, (Third

O. V. infantry,) with several others, had been selected for a secret expedition. This evening we received orders to turn over all our camp equipage, etc., and be in readiness to leave tomorrow, "at a moment's warning."

April 7, Nashville, Tenn.—All was bustle this morning early, as we proceeded to leave camp. After leaving we were placed upon the cars, and after a few hours' rough riding, we were halted two miles south of Nashville, and are now bivouacked for the night.

April 8.—This day has been spent in making preparations for the expedition.

April 9.—We have been busy, preparing for a raid "somewhere." Details have been made to assist in shipping our animals, saddles, etc. . .

April 10.— . . . This four P.M. a forward movement was ordered, and we took up our line of march for the river, passing through the city, and depositing all our surplus personal effects in a warehouse for safe keeping, until we shall return from the "raid." We were placed on board of the steamers Nashville, Hazel Dell, and Aurora. We found the lower deck crowded with mules—the odor of which was not agreeable to our "oil-factories," as old Mother Partington would say; but as we were much fatigued we made our beds side by side with our long-eared friends, and soon were in the realm of Morpheus.

April 11. . . . Morning, bright and early our fleet, numbering about twenty vessels, took up the line of steamboats for down the river. All went smoothly on; but we proceeded slowly, as we were apprehensive of an attack. We saw numerous wrecks of steamboats, which the rebels have recently captured of us and destroyed. Among the number were those captured last January at Harpeth Shoals, containing our wounded, which the drunken secesh, after firing into them, taking, then maltreating the wounded, and afterward destroying the boats. So much for boasted Southern chivalry; pshaw! We arrived at eleven A.M. at Clarksville, and remained until two P.M. The place is fortified and garrisoned by our troops. This afternoon we steamed down to Palmyra, and landed the greater part of our forces, which consist of the Fifty-first and Seventy-third Indiana, the Eightieth Illinois, and Third Ohio regiments of infantry, two companies of the First Tennessee cavalry, and two pieces of artillery, brass twelve-pound howitzers. This small town of Palmyra was recently reduced to ruins by our forces for some depredations the inhabitants had committed. The scene of getting the mules off the boat was ineffably ludicrous, beggaring all description, and will have to be imagined. The rain is pouring down, and, fortunately for some of us, our company remains on the boat. We leave to-morrow.

April 12.—This morning early, part of the outfit was unshipped, to supply those with the necessary articles for an overland journey to Fort Henry. Three companies were detailed to accompany the fleet. In the afternoon we were on our way for Smithland, Kentucky, on the Ohio River.

In the evening we passed Fort Donelson, the place which has been honored with a niche in history and in song, and will ever be held in grateful remembrance by a free and happy people, as being the spot where victory, accompanied by so much glory, throwing her bright halo around our starry flag, and placing a lustrous chaplet of laurel on the brow of Grant and his brave boys. We fired a volley as we passed in honor of the braves who slumber sweetly in the graves of patriots, and for those who are now watching, under the same chieftain in another field, the honor, glory, and fame of our beloved country. All honor to the heroes of Fort Donelson, and although it was not our fortune to stand shoulder to shoulder with them here, and had not the names of Fort Donelson, Shiloh, Corinth, and Iuka, inscribed upon our old colors waving there, which bears evidence of the storm of battle of Chaplin Hills and Murfreesboro upon their tattered folds, yet we are proud to speak of your deeds of heroic bravery, never for a moment doubting that, with such a record behind you, but you will ever be ready, when the time shall come, to move with your indomitable chieftain Grant, "immediately upon the enemy's works." We arrived at Smithland about midnight, and cast anchor.

April 13.—Our flotilla has been engaged all day in coaling. As some of our boats were pushing out from the barges, there occurred one of those sad accidents so common in river life, death from drowning. I give this incident to illustrate the effect and power which circumstances or men's prejudices exercise over their sympathies. As I said above, we were pushing out when we were startled by the cry: "A man overboard, a soldier is drowning!" Then the sad news came up that he had sunken beneath the boat, and would inevitably be lost. There could be no doubt as to his being a soldier, they said, for there was his hat. One would say, "Poor fellow! he has at last gone to his long home," and so the expressions of deep sorrow passed; we all felt unfeigned grief for his loss. Said one fellow by me, who never before was known to manifest any feeling save for a glass of whisky, and who never shed a tear of regret unless on account of bad "spirits," as his eye grew moist: "Poor fellow! I never witness such unfortunate accidents but what it unnerves me; and just to think that he has escaped the dangers of the battle-field but to die in this manner." But just as he had completed this commendable burst of feeling, the terrible news reached them that in the place of it being a poor soldier, it proved to be "nothing but a negro." To some it might have been interesting to have witnessed the quick revulsion of countenance of the bystanders, for instead of their former elongation they assumed rather a condemnatory and sarcastic one, as they growled out, "Humph! nothing but a nigger," and the poor fellow especially mentioned above went down to the bar to "liquor," no doubt to console his wounded pride for expressing sorrow for the death of a son of Ham. I just thought how unfortunate it was that a man of great mind, refined feelings, and exalted

opinion of the great superiority of the Anglo-Saxon race, should be betrayed into such a humiliating act as to take any notice of those beings whom, to shield himself and spare the white man's blood, is willing to have placed between him and the enemy's balls as a protection. Poor fellow! I trust the whisky will prove a panacea to his wounded "feelinks," and in the future will be more cautious, and, like George E. Pugh in the Kansas trouble, "wait for the facts." We have tied up at Smithland for the night, awaiting orders.

April 14.— . . . Our fleet left Smithland at four A.M., and anchored at Paducah, twelve miles, at six A.M. Evening—we have been lying here, awaiting the arrival of General Ellet's Marine brigade, consisting of five transports, two gunboats, and a ram, which are to be our convoy up the Tennessee. Six P.M.—The fleet has just come in, and we leave on the morrow.

April 15. . . . Our "navy" left Paducah at ten o'clock A.M., and are now (six P.M.) steaming up the Tennessee River. The rain is coming down in torrents, which will aid us much if we go far up.

April 16.— . . . We arrived at Fort Henry at midnight, distant from Paducah seventy-five miles. The day has been employed in shipping a large number of animals that were "confiscated" by the forces sent across from Palmyra. I went up to see the fort, which General Tilghman was forced to surrender after sixty minutes' bombardment; its position is good, commanding a long reach of the river, and shows undoubted evidence of having felt "Uncle Sam's Foote."

April 18.— . . . We left our moorings at five A.M., for "up the river." Nothing of much interest occurred until late in the afternoon, when I witnessed one of the most touching sights I have ever seen. As we made a bend in the river, we came in sight of some two hundred Union refugees, consisting of men, women, and children, with their scanty effects piled upon the bank, all awaiting some friendly boat to transport them to the promised land of freedom. As we drew near they assembled together in groups, (in families, I suppose,) and as we passed they sent up a shout for our old flag and the Union. Ah! I tell you it stirred the blood, swelled the heart, and filled every eye, and drew a yell from us of hearty response, that echoed along the valley and over the hill-tops—an occurrence very seldom with the boys now, as they have long since ceased to manifest enthusiasm at every rag that is waved at them. When we reflect that these persons have been driven by the secessh from their homes in Alabama, Mississippi, and East-Tennessee, for opinion's sake, and compelled to take refuge from tyranny by fleeing from home and all the dear associations that gather around that hallowed spot, and all for the sake of freedom, we say that union is worth all the sacrifices that have been or will be made; ay, or that can be made for its restoration and perpetuity. So let us bear this ever in mind, and stand firm and united to

the last; for remember, that if we suffer ourselves to be divided by traitors in the North, we will inevitably be defeated at the South; then, farewell forever the Union and Liberty, the hope of all in our own land, and of the oppressed of the whole world. We tied up for the night at Savannah, at eight p.m.

April 19.— The fleet left Savannah at daylight, and passed Pittsburgh Landing at eight a.m. To the passer-by it presents but little evidence of being the theatre of one of our severest struggles for the supremacy during this rebellion. It has been too often described for me to attempt it now. We stopped a few minutes at Hamburg Landing, Tenn. We arrived and landed at Eastport Landing at five p.m., and pitched our "pup tents" on the bank. The village, which is half a mile back on a bluff, is in a miserably dilapidated condition, and we rendered it more so, if possible, by burning the greater portion of it, for some depredations the inhabitants had done—shooting at one of our soldiers, I understand. Our animals and stores are being put ashore, and all is bustle around.

April 20.— The day has been spent in making preparations for the expedition. Details have been mounted and sent out to gather in all the animals in the country; others are equipping the remainder. Some prisoners taken by General Dodge, near Bear River, were brought in here to-day.

April 21.— This a.m. has been well employed in getting our animals, amounting to several hundred, completely accoutred and mounted, and sent through the country toward Corinth, or in the direction of General Dodge's forces, to gather up all the horses and mules for our brigade. Three p.m., broke up camp, embarked on the Fitzhugh steamboat, proceeded up the river two miles, and debarked at Westport, Ala. It having poured down rain while on board, the ground was in consequence slimy, which the animals soon cut up into deep mud. As there were not a sufficient number of animals to mount the whole command, the greater number of our regiment (Third Ohio) and part of the Eightieth Illinois were compelled to march on foot. So about five p.m. we took up our line of march south, toward General Dodge, through bogs and mud, over hills, etc.; the latter article being pretty plenty. When we had got six or eight miles, our guide lost his way, and we were obliged to make the best of our way through rain, water, and mud, knee-deep, and in inky darkness until toward midnight; having come fourteen miles, and being much fatigued, we halted in the woods for the night. I made me a shelter by leaning a few rails against the fence; and spreading a tent over and my oil-cloth under me, lay down, wet as I was, and slept, the rain making music on my roof.

April 22.— We scrambled out of our "virtuous couches" at daylight. I made myself a hasty cup of coffee, and took a cracker. We then resumed our march, until five miles brought us to General Dodge's camp, situated

along the Memphis and Charleston Railroad, about thirty miles west of Tuscombua, Ala. Now we are taking a flying dinner, as it is reported that we leave camp this p.m. Evening—It is now rumored that we remain here all night. The country is miserably desolate and wild, full of morasses, barren plains, and sterile hills, covered by jack oaks and scrubby pines. The weather, though, is delightful to-day. I am of opinion that this "expedition" is a hazardous one; also that it will require great sacrifices and impose great privations. I don't think we will leave here until the greater portion of the command is mounted, then there will be "mounting in hot haste," (and probably dis-mounting too,) and then off for a raid upon — (I will fill the blank when this expedition is no longer a secret.) General Dodge furnished us with a number of animals, and our scouts have brought in a number more, which will mount all of our regiment, but a couple of companies.

April 23.— General Dodge's command passed us early this morning for Tuscombua. We followed at nine a.m., marching twenty miles, through some better country. In places we saw evidence of severe skirmishing, dead horses, defaced and burned houses, etc. We saw corn six inches high, and it looked healthy, but wheat and rye looked very bad, and very, very scattering. We have pitched our "pup tents" a day's march nearer (not home—heaven bless the hallowed spot and the dear ones there) Tuscombua, which is nine miles distant. While my coffee is cooling I might, like some journalists and other quidnuncs, turn military censor and criticise what I deem some of the objectionable features of this expedition, but I have no ambition to see myself employed in this questionable and most generally abused business; but remembering that obedience and not censure is the duty of the soldier, and also knowing that a fool will, after a fault has been committed, detect it, whilst a wise man would not have seen it before; so I will remain silent where comment and fault-finding would be presumptuous; and I will exercise charity and hope, where I cannot see wisdom or generalship; hoping that much good will result from such sacrifices and hardships made and endured by all. My coffee is lukewarm, and so, no doubt, are my thoughts and myself. The weather to-day has been truly delightful, and the only drawback experienced by us rear-guards was caused by some of our carrier mules giving out under their packs, thereby detaining us considerably. Nine p.m.—Our company (A) drew our animals, mostly mules; and splendid ones they are, too; freshly "confiscated." We got the mules, and the owners received the following "provisional" note to their receipt, namely:

"The within account is not transferable, and payable only to the original holder at the close of the war, upon undoubted proof of loyalty to the Federal Government, from within data.

"A. D. STREIGHT,
"Colonel commanding Independent Provisional Brigade."

I am very much inclined to believe that this "provisional" addition to this "note-book" will not soon fill his crib or start his plough in the field; for, seriously, I believe this raid upon the plantations for our "contributions" or daily "collections" raised from these disloyal scoundrels, will cause agriculture in this country to be seriously injured, and materially retarded for some time.

April 24.— Evening—We feel considerable soreness, having been in the pack-saddle for fifteen hours, and ridden forty miles. This morning early we received our outfit for our animals—the most noticeable article was the thing we had to ride on, it being nothing but a No. 1 pack-saddle, which required half-a-dozen blankets to preserve the mules' backs, and another bundle to guard or protect us in the rear. We then started off on a scout, leaving the Tuscumbia road at right angles, toward the small town of Frankfort. Our way for the greater part of the day lay across a spur of Pea Ridge and through a rough, barren country, the chief products being children. The ride was very severe on us, as we were not accustomed to the "saddle." At one P.M. we heard cannonading in the direction of Florence, Ala., as we supposed, between General Dodge and Colonel Roddy. We were compelled to ride the whole day without feeding our poor animals, as it was impossible to find in this barren country sufficient forage for them. We arrived opposite Tuscumbia at ten P.M., very, very much fatigued, sore and hungry. We found General Dodge's forces encamped in line of battle, as though he was apprehensive of an attack.

After changing our position by several commands and counter orders, we finally anchored our mules wherever we could, and are perfectly willing now (midnight) to throw our aching bodies down, and "sleep dull care away."

April 25.— We are all well and in buoyant spirits this morning, and need but a little rest for our rear, for it was very much harassed in yesterday's ride. The day has been usefully employed in making needful arrangements for a permanent start on our "expedition." This is a good country, but foraging parties have drained it of almost all its products. The weather remains delightful. We have collected some forage together for our stock.

April 26.— We yet remain at Tuscumbia. We have been foraging for corn, fodder, animals, etc. I gathered some sweet flowers and sent them home. Oh! I would love to see Linna and our sweet little flower, Willie. I trust they are all enjoying good health, and all the blessings possible for them in their present circumstances. If they feel as I do, they are very lonely. By this I mean that the heart feels a solitariness at times, when separated from home, akin to sorrow; and, although one may be surrounded by busy thousands, yet the aspiration of the yearning soul is for the dearest—home's treasures. Under the influence of

such elevated feeling, how true and sweet are the lines of Payno:

"No matter where we roam,
There's no place like home."

The weather has changed, as it is now (five P.M.) storming furiously, the rain coming down in a flood. We leave here at midnight.

April 27.— We were aroused from our refreshing slumbers at eleven P.M., and prepared our meals and mules, and were in the saddle at one A.M., and started immediately on the Russellsville road, but made but five miles by daylight, on account of the badness of the roads and depth of the streams swollen by the recent rains. We reached Russellville at ten A.M., a distance of eighteen miles, north-west of Tuscumbia. We found it a small, mean-looking secesh hole, and had once been a county seat. We succeeded in capturing a secesh major here and paroled him; we halted long enough to feed, and at eleven A.M. were in our saddles, and took a south-western direction, and had proceeded ten miles, when our advance-guard (company F, Third Ohio) was ambushed by a company of bushwhackers, but fortunately we received no injury, we all quickly dismounted, and leaving every fourth man to hold the stock, we started and deployed out to flank them, but they "lit out" as soon as they delivered two rounds. We then scouted each side of the road for two miles, but did not succeed in capturing any of them. After securing some good horses and forage we started on again, and at sunset reached Mount Hope, a small village, thirty-six miles distant from Tuscumbia, where we went into camp, somewhat fatigued and hungry; we soon satisfied the wants of the latter demand of nature with a good supper of ham, coffee, crackers, etc., (the last-named article not being great in variety,) and now, as I have a good bed made, I will proceed to satisfy the other claim, that a weary body lives to embrace: "Sleep, balmy sleep, nature's sweet restorer."

April 28.— Morpheus, whom I wooed with a sweet strain from Milton, came immediately and locked me in his invigorating embrace until the "break o' day," many thanks to him, for I am ready to say with Cervantes: "Blessed is the man that invented sleep." So *au revoir*. At eleven A.M. a large detachment of this command left on a scout, and the remainder seems to be resting on their laurels and blankets, generally the latter, I believe. The remainder of our brigade left camp at one P.M., and after a ride of twelve miles over the most miserable roads, we arrived at dark in Moulton, the capital of Lawrence County, and bivouacked about nine P.M.

April 29.— We had scarcely gone to sleep, when we were aroused and ordered to feed and be ready to leave by midnight, which we did. We left town at one A.M., taking a south-westerly direction. Nothing of much importance occurred until nine A.M., when we came in sight of some rebels at a house, in charge of some batoon intended for their army, but on perceiving

our approach, they fled to the woods, leaving wagons, mules, negroes, and their breakfast of corn-cakes, which I can testify disappeared in another direction and in as great haste, but in better order and spirits. We pursued but did not overtake them. We captured several loads of good bacon and a number of good mules and horses. We retained the latter, burning the wagons and bacon; then started on our march, and met several parties similarly employed and equally successful; one party overtook a wagon loaded with the county records, but left them unmolested. We here learned that that detachment sent out from Mount Hope yesterday morning had overtaken a great quantity of bacon and forage in the mountains and destroyed it, amounting to several thousand pounds, and had been collected from Mississippi, Tennessee, and Alabama. They also found considerable supplies at Stephenson's Springs, which was likewise destroyed. When we had again gotten under way, we were rejoined by an old gentleman, a Probate Judge of this county. I have lost his name now. He stated that his object was to reclaim some sable boys of his, if agreeable to the commander, who had for the time been "confiscated," to take charge of the captured animals and a few wagons reserved for our own convenience. He stated to us that his son, hearing that we were coming, had, without his knowledge or consent, taken it upon himself to run it off to a place of safety, and had taken these black boys with him. He was then referred to Col. Straight, adding that had he left his bacon in the smoke-house, it would not have been molested; but instead of that, we captured it under a rebel guard, and consequently was "contraband," and more, if we were not mistaken, we saw him among the skeddaddlers. This took all the "wind out of his sails," and he "came to," and acknowledged that he had that morning rode down to remonstrate against the removal of the bacon by the confederates, when we unexpectedly made our appearance, and he ran with the rest. We told him that if he was honest, he should have remained to the last; but he said he did not know what we might do. At this juncture, our guide (of the First Tennessee cavalry) came up, and recognized in the old gentleman one of the leading secessh of Lawrence County. When the guide called him by name, he appeared to be very glad to see him, and extended his hand, but the guide not taking it, he withdrew it with much chagrin and mortification; to think that one of the "mudsills" of Alabama (as Hammond has it) should refuse to take the proffered hand of one of the most wealthy "Southern gentlemen," was an indignity that could not be concealed by the "chivalrous Southron," and a dark scowl flitted across his sinister countenance. I just thought that if he had had the noble guide in Charleston jail, where he had confined before many a good Union man, he would have felt the old hyena's power.

He then appealed to our sympathies, saying that it was hard, very hard, for him, in his old age, to be deprived of his all and turned adrift in

the world; that he had done nothing to merit this misfortune; that he had always been a law-abiding citizen, was always a Douglas man. "You know," said he, appealing to the guide to corroborate his statement. "Yes," said the guide, "I believe you were once a Douglas Democrat, but that is no reason or apology now why you should, in your old age, prove recreant to those principles, and lend all your influence and devote your whole time and means to the interest of secession and the traitor Jeff Davis—that you should now compel Union men to enlist in the rebel army or be incarcerated in Moulton jail, as you have done; and now you plead as a palliation for your execrable conduct that you once were an advocate of Democratic principles. Why, sir, the devil might as well say now that he was once an angel of light;" and his answer to this terrible philippic was this: "What could I, an old man, do? I was elected a delegate to the convention that met at Montgomery, with instructions to go with the State; and although I was in favor of remaining in the Union, yet when the State went out, I went with her. Now, would you not have done as I did?" "No," was the emphatic answer. "Yes, but you are a young man, and have no wife or family, and home associations to sacrifice, and you could go where you listed." "You are mistaken," was the quick, cutting retort; "I have a wife and two little children, that are as dear to me as yours are to you, and I left them, and now you see me here. It is true you did give notice to the disaffected ones toward your pretended government to leave the State in forty days, yet when they took you at your offer, they were apprehended; and if they refused to enlist in the rebel army, they were thrown into prison, as you done in the cases of Messrs. —, (here he gave their names, but I have forgotten them,) whom you had placed in Moulton jail last spring, and left their families to suffer, and you will have to answer for it. This is but a small portion of the fearful retribution that will be meted out to you;" and the indignant guide strode away, leaving the Judge to deliver his decision when no Yankee soldier was near to hear. It was evident to every unprejudiced person present that the guide plead his cause well, and made out a plain case of inconsistency and treason on the part of the Judge. We then forwarded on; and I could not help contrasting this man's course with that of the sacrificing patriot, Judge Lane, of Huntsville, Ala., who kept the old banner floating from his own house from the time Alabama seceded until our beloved Mitchell planted a duplicate on the Court-House, whilst the original was presented to "Old Stars," as we loved to call our old hero, heaven reward him. I have been thus minute in giving this conversation for this reason: that it is a fair sample, or rather the best palliation they can offer for their treasonable course, that is, self-interest and private policy; not a particle of consideration for the public interest or weal ever entered into the treasonable heads and traitor-hearted villains of this rebellion.

We went into camp this evening near sunset, after riding thirty miles over a rough, hilly country. Late this evening some of our scouts brought in ten or twelve wagon-loads of contraband women and children from our front, whom the rebels were running off South. We have confiscated the mules, and will burn the wagons in the morning. As one of our foraging parties was going out, one mile from camp, they came unexpectedly upon a squad of ten rebels, fired into them, scattering and capturing several prisoners, among them a mail-carrier. It appears that the enemy are in pursuit of us. General Dodge, on account of the high waters, it appears was not able to cross the Tuscumbea River and engage Roddy, in accordance with the programme, which leaves the latter free to follow us, and he is now in hot pursuit of us; so it will be "who and who for the turkey." I have learned that it is not our design to fight unless it is unavoidable, but will push on with all our energies to accomplish the object of this expedition.

April 30.— We burned the wagons, as per arrangement; but before our whole column had filed out into the road, the rebels, who had come up, had got a battery of two pieces in position, and began playing upon us pretty sharply, but fortunately doing us no injury. Our command was then forwarded briskly on three miles upon the crest of a ridge, near "Day's Gap," where we were dismounted and formed in line of battle in the best kind of order, and awaited the approach of the enemy. We had not long to wait, for they came thundering on, and planted their two pieces of field artillery but a few hundred yards from our line of skirmishers, and commenced to open on us with shell and shot, but without much effect, as their range was too high to reach us in our sheltered position. Our little mountain howitzers were then brought to bear upon them with good result, for they fell back and tried our left wing, but were signally repulsed by the Fifty-first and Seventy-third Indiana, with considerable loss on their side. They then reformed, making a feint upon the right wing, where the Eightieth Illinois were posted, while they at the same time made a demonstration upon our centre, where our battery and part of the Fifty-first Indiana and Third Ohio were, and were met with a murderous fire that sent them back. The Third was then ordered to fix bayonets and charge upon their battery, and at the command every man sprang to his feet and skipped off on a run, gun and hat in one hand, yelling like so many Mohawks, taking their battery of two pieces and one limber, and some horses, without firing a gun, the rebels taking to their heels and horses and "lighted out." The enemy were so surprised at our sudden appearance in force (for they did not suppose that our whole force had halted and formed so soon) that they fled. We pursued them a few hundred yards and were recalled, taking the pieces and placing them in position by the side of ours, and manning them. We were then re-formed upon our old ground, as we anticipated a renewal of the attack. We then

threw out a heavy line of skirmishers and videttes; but with the exception of a few scattering shots, no further demonstration was made upon us at this place. Noon.—Several companies of the Third Ohio have been thrown out as a chain-guard, to protect the front and right flank; we are expecting marching orders soon. While we are breathing, let me say here that the engagement just ended, lasting one hour, was one of the most brilliant affairs that I have yet witnessed, especially the bayonet-charge upon the battery, where every one went in with a vim, the one having the nimblest legs getting there first, and those with the strongest lungs making the most noise. About two p.m. we were ordered to fall in and bring up the rear, and we were soon under full mule-way, and all went on smoothly for ten miles, when, as our regiment was in the act of crossing a deep fork of the Black Warrior River, the enemy came upon our rear, causing considerable confusion, but some of us dismounting, succeeded in holding the enemy in check until the remainder crossed and formed upon the hill, where we had our battery of four pieces planted in good position. The enemy, led by Forrest, (the forces that attacked us in the morning were several regiments under Col. Roddy,) made a furious attack upon us, but were repulsed again and again. Their loss was certainly great. We lost largely. Just after sunset we succeeded in completely silencing the enemy. We then took these two pieces, after having used all the ammunition, and having no further use for them, and spiked them with two rat-tail files that were used by some of the boys for making finger-rings, and were left setting by the roadside. After leaving a rear-guard, we mounted, and again, at nine p.m., started on our ride, and kept on in a brisk gait all night. The enemy's advance followed us fifteen miles to Black River. I understand it was the design of Col. Streight to have ambushed them had they crossed.

May 1.—This morning we are still on the road, and are in such haste to get to our destination, if possible, without further molestation, that we are not allowed time to stop to either feed or water our mules, but are hurried through streams mid-sides to the stock, without allowing them a taste. We arrived at Blountsville at eleven a.m., and were halted to feed ourselves and animals, after being over twenty-four hours in the saddle and riding over fifty-three miles. Here we took a good meal of ham and coffee, and gave our gallant chargers a good feed of corn. We here burned our wagons, having no further use for them, as we placed the ammunition on pack mules. At one p.m. we were in the saddle again, and on our way on quick time, as the rebels were harassing our rear; three miles brought us to a considerable stream, and being apprehensive that the enemy might attempt the manoeuvre of yesterday evening, we were dismounted, and formed in line; but, after waiting an hour, we again mounted and pursued our way over a barren country called Sand Mountain. About midnight we halted, having come thirty miles since

one P.M., and since yesterday morning ridden eighty miles, and no sleep. After unsaddling our mules, our company, with two or three more, went out on picket; consequently we had but little sleep.

May 2.—We are well, but tolerably sore. At daylight we were again on our way, rode two miles, fed, and got breakfast, consisting of good ham, coffee, and crackers; it being the second feed in forty-eight hours. We are very particular what we eat, now that our commissary is located all through the country, and we will not have any other meat but ham, for we sent one of our boys to get meat for the company, and he returned without any, saying that "there was nothing in the smoke-house but shoulders and middlings." We halted but an hour, and we were up and off. After marching fifteen miles, burning several bridges to retard the progress of the enemy, we arrived at Gadsden, situate upon the Coosa River. Just before we came to town we witnessed a scene partaking largely of the serious and comic, more particularly of the latter. One of the boys, it appears, had exchanged horses with a gentleman and lady, something after the manner the Irishman traded linen with the clothes-line. And when we came along, the farmer was setting in the gate-way sending forth the following lamentation, "I have no children, but I have brothers in the army," (he mistook us for scesh,) "boo, hoo, hoo," and similar expressions in the most doleful sounds that ever issued from any blubbering booby, whilst the "better half" was standing back regarding the newly acquired "hoss" of the genus pendent-eared gentry in an altogether different mood from that of her husband. Her curses were not "loud," but, judging from the animated gesticulation and the vinegar visage of the termagant, they were "vastly deep," and take the scene in all its bearings, I should pronounce this "swop" to be an exchange under pretext, and will afford our tender-hearted and charitable sympathizers at home an opportunity to go into hysterics over the uncharitableness of this "Abolition war," etc., etc., to the end of Billingsgate.

At Gadsden we destroyed four thousand dollars' worth of good flour, five hundred stand of arms, and the ferry-boat. We again mounted and started in the direction of Rome, Georgia, and had trotted eleven miles by two P.M., and had stopped to feed, when, near three P.M., the rebels came upon our rear-guard, and we were compelled to form again and give them another general engagement; which was done in quick time, and in good order. It was while leading his regiment, (Seventy-third Indiana,) that Colonel Hathaway was killed by a rifle-shot at short-range, by one of Biddle's men; but when the bold rebel turned to get away, he was perfectly riddled with bullets. We lost more in killed here than in either of the two former engagements. When the battery was placed in position and began to shell them, and the centre sent in her volleys, the enemy soon fell back, leaving the skirmishers to do the fighting at a more safe

distance. While here Colonel Streight selected two hundred and fifty of the best mounted men in his command, and sent them in the direction of Rome, forty miles distant. Late in the afternoon the greater portion of the command was sent forward, whilst the Third Ohio was left behind as usual. After leaving our animals in the front, with every fourth man, we then burned the out-buildings, and the wall of the fences, down to one string, for a protection. We then deployed out, and awaited the rebels' approach; but in vain, for they would not bite at the "Yankee" hook. So at ten P.M. we started again on quick time, and had ridden eight miles, when the Adjutant-General detailed company A, Third Ohio, to burn the "Round Mountain" smelting-furnace. We then filed to the left and took the road leading to it, and came to it in a short time, where we dismounted, and placed a guard over the animals, the remainder of us proceeded to destroy the mammoth establishment. It was designed originally for smelting iron, but has, within the last year, been undergoing great additions, until they had it almost completed for manufacturing a variety of the munitions of war, such as cannon, shell, etc., and was worth several millions to them. But through the agency of fire, applied by us, with the hearty coöperation of the negroes, who threw the first brands into their own sleeping-berths, we soon had the "heavens and earth" illuminated with the conflagration of one of Dixie's most valuable establishments.

The white laborers, one hundred in number, had but that evening run off a nice "bed of pigs," and had left the ten darkies to keep the machinery in good order. They have not as yet sent in their "morning report;" but, judging from the condition in which we left it last night, it will be something like this: "Sick—disease, severe night attack of heat upon the steam-chest, caused by a too free application by 'Yanks and niggs' of fire to the 'tinder' part, (as an Irishman would say.) Prescription—several doses of Yankee mechanical ingenuity." After seeing it under good heading, we left in great haste, and rejoined our command at Centre, four miles distant.

May 3.— . . . It was our intention to have crossed the Autauga River at Centre, but the boat was too small and we were compelled to make a circuitous ride, and cross above at a ford. By some one's negligence, our artillery ammunition was damaged by being wetted. At daylight we came to Cedar Bluffs, twenty-eight miles from Rome; we destroyed a new set of caissons at this place. The boys were so overcome with drowsiness that they would go to sleep on their animals; for we had not slept more than six hours in the last seventy-two, and had fought three general engagements, and rode one hundred and fifty miles. We halted six miles south of Cedar Bluffs, fed, and prepared our breakfast. While we were thus engaged, General Forrest came in with a flag of truce, and demanded our surrender, which our commander at once declined, and

was heard to say that "he would be d—d first." But when the ordnance officer reported that the ammunition was defective, a council of war was called and the matter reconsidered; and after going out and seeing the enemy's forces, and taking into consideration the fact that we were three hundred miles within their lines, with but little hope of reinforcements, with nearly an equal hostile force immediately opposed to us, and reinforcements within supporting distance, with twenty-two miles and a deep river between us and our destination, and nearly all the ammunition worthless—the small arm ammunition having been transported upon mules, it pitted the paper so as to make it of but little use, and the artillery ammunition was wet. All these things considered, it would have been madness in us to have given them battle. So the terms stipulated for by Colonel Straight were accepted by General Forrest, which surrendered all Government property, the officers to retain their private property and side arms and our colors, and we were to retain all our personal property, and that we were to ride the animals to Rome, Georgia, twenty-two miles distant.

The number surrendered in all was one thousand three hundred and sixty-five. The number of the captors I do not know. The following rebel regiments were largely represented: Colonels Stearns, Biffles, Edmonson, and Roddy's men, and several pieces of artillery.

At nine A.M. we were marched out into a field and there stacked arms. One of the boys, learning of the surrender, took his Henry rifle, a present from General Beatty, and broke it, and stuck it in a mud-hole. I bent mine, as did others, so they would shoot like old Blackburn's rifle—"around a tree or a hill!" We then remounted and started for Rome; marched thirteen miles, and saw more citizens than we had seen for the last one hundred miles. I cannot account for this difference in the population upon any other hypothesis than this: that those behind, hearing that the "Yanks" were coming, had done like the old negro—"taken to the hills." Many of the boys sold their penknives for five dollars, and rubber blankets for ten dollars, they (the rebs) jocosely remarking that the "blockaders" were upon them. On the other hand, we paid fifty cents for corn cakes made of unsifted meal, with no salt in them, and dried by the fire, and no larger than a common sized biscuit; the same for a "turnover pie," half bran and shorts, and the other half made of four quarters of dried apples laid in "longitudinally," and completely "dried out." When we came to camp (nine miles from Rome) we were placed in a field like a drove of sheep; and, to tell the truth, I think we have wandered like "lost sheep" from Father Abraham's fold—and there is great reason to believe that we have fallen among "wolves in sheep's clothing," for the rebs are buying and wearing our clothing. After supper we lay down so closely that, in places, we lapped over each other, and then went to sleep in a trice, without any lullaby being sung

to us other than by dame Nature, and slept until morning like the "seven sleepers."

May 4.— I am well in body but not so buoyant in spirit as usual. We started at eight A.M. and arrived at Rome at ten A.M., and found it full of curious people who came to see the "live Yanks," as they were pleased to call us. They offered several insults, but we did not accept them, but exhibited our indifference and independence by standing aloof upon our dignity, with one noticeable exception worthy of recital. Some man had bawled out, "So you came to take Rome, and Rome took you," which one of the boys retorted with "The h—l you did! I 'can't see it in that light,' for when our two hundred and fifty advance came within range of the city, not one of your skulking citizens could be found, and had we had orders to take this place, we would have taken it. You talk of taking us! Forrest took us; you take nothing! You belong to the Royal Stand-backs, who are the last in and first out, when there is any fighting to be done." The citizen vanished.

We were taken through the principal street to a vacant lot near the dépôt, and there dismounted; and as we were marched to a small lot "fenced in" with guards, and were searched for arms, etc., and then passed in, where we were rejoined by the two hundred and fifty "who had gone on before." They had, after leaving us, pushed forward briskly. At Centre they passed themselves off to the ferryman as Forrest's men, and were taken over; and they pushed forward with no opposition, and arrived within one quarter mile of Rome at ten A.M. on the third, where they halted in accordance to orders, awaiting further instructions. At twelve meridian the cars came on with rebel troops from Bridgeport; and as our main body did not come up as laid down in the programme, the commander deemed it prudent to fall back, which was done. Falling back seven miles, they met the flag of truce, and surrendered. The boys told us that as they were coming in that morning, not a man could be seen, but as they were escorted into the city in the evening, every house, the road and woods, were full of armed men, and little boys scarcely strong enough to carry their rifle, and to hear them "gas," one would think they had captured the whole Union army. In conversation with some of the generals in reference to how the citizens treated us, and acted, they said: "They wished in their hearts that we had shelled and burned the place, for they have treated us common soldiers like dogs, and shown us no respect whatever." Some of the conscripts went further, and said they were disgusted with the whole thing, and the first chance they saw they would leave.

Rome is situated between the Coosa and Autauga rivers, and numbers about five thousand inhabitants. An extensive arsenal is located here, and also an extensive ordnance foundry below the city. Part of our task was to destroy these public factories and the rolling stock here, and then make a "demonstration" upon the Georgia State Railroad. We are now separated

from our officers and under guard, quartered in the ruins of an old government establishment, which some "Yank" burned and then "lit out." We now run the "mershine," as Jake would say, ourselves.

May 5.— . . . I feel well in body and some better in mind than yesterday. Thus far we have been treated well by the enemy—I mean by the soldiers, by Forrest's men especially, who have used us as a true soldier will treat a prisoner. We were paroled this A.M., or, as the boys facetiously call it, "got receipts for their mules." After this we were subjected to a most rigid search by the feather-bed officials of Rome: had it not been that we were apprised of the search beforehand, it would have been worse for us even than it proved to be. Some of the boys bought light bread, at fifty cents a piece for five-cent loaves, and having gouged out the inside, concealed therein their watches, money, and so on. One fellow got a poke, placed his revolver in it, placing meat, etc., around it, and in this way succeeded in "running the blockade." I concealed my journal in the lining of my cap, but had to burn my old letters to save them from falling into their hands. That was the greatest sacrifice I had to make. Nothing is so sacred as to escape their rapacious narrow souls, if they have so valuable a commodity.

At ten o'clock A.M., we were ordered to leave with all of our things; but as we passed out, the officers (home guards) stripped us of our oil and wool blankets; and those who had their overcoats on their arms had to leave them; haversacks, canteens, tin cups, platters, knives and forks, watches, finger-rings, penknives, and some had their money taken from them. All this was "private property." So much for Southern faith. And to cap the climax of meanness, they robbed us of our old colors, the first and only ones our regiment ever had—they were our first love. But I have a small piece of it at home, where I will keep it side by side with the locks of hair as one of our home treasures. The future will be ours.

After being robbed, we were put in and upon box cars without seats. As we were getting in, some lady threw us a nice bouquet of red, white, and blue flowers. I have yet one of the "red, red roses," and I prize it more than aught else I have seen in Dixie. Should a similar expedition ever be sent to Rome again, and that city, like the cities of Sodom and Gomorrah, be doomed by the angel of destruction, and this lady, like Abraham, would plead for its deliverance, provided one good Union soul could be found, the red rose will be proof that one soul there remained true to the principles of their fathers, and unchanged in her first love for those colors that fill the eye and stir the soul with patriotism. God bless true woman! for she was last at the cross and first at the tomb of our Saviour, and the only being at Rome that touched the tender chords of the Union soldier's heart, although she did not follow the injunction "to do in Rome as Rome did."

We left Rome about eleven A.M., and arrived at Kingston, on the Georgia State road, eighteen miles from Rome and seventy-one from Atlanta, about twelve M.

While we were on the switch, I saw several ladies standing upon a balcony, and to elicit their political sentiments, I shook a newspaper that a friend had smuggled to us, and the signal was recognized and acknowledged by one of them giving her handkerchief a little flutter two or three times, withdrawing it quickly each time, as if she was fearful that the argus-eyed rebels would see them.

We left for Atlanta at one P.M., over the most crooked road I ever saw. The country through which we passed was rough and barren, worn out by ignorant slave labor and cotton. They have scratched and planted in corn every foot of land that will raise peas. The corn is four inches high, and is the color of saffron—wheat in small patches, very thin on the ground, and eighteen inches high, and in full head, and will not average over four bushels per acre; corn ten to fifteen per acre in the usual yield. The people are cadaverous, spindle-shanked, squalid and ignorant specimens of the *genus homo*, and are consequently ill-mannered. At six P.M. we arrived and met with a warm reception at Marietta, Georgia, by the citizens and "home guards." Some threw cotton at us; I told them corn was "king" with us, and judging from the scarcity of the rations furnished us, and by the exorbitant prices asked for unsalted cakes, made of unsifted corn-meal, and dried in the sun, it was their king too. The ladies, I am sorry to have it to say, took the initiatory, and "out-Heroded Herod" in vituperative abuse, proving themselves perfect vixens, shaking their diminutive fists at us, making ugly faces, and screaming at us with rage, which afforded much amusement for our boys. At six P.M. we left Marietta, and arrived at Atlanta at eight P.M., and were marched a mile to the common, and bivouacked without blankets; but we did not sleep much on account of the cold, although we were much fatigued.

May 6.— . . . We are well and in jovial spirits, although we did not sleep much last night. I bought bread at fifty cents per loaf, of one quarter pound per loaf. Turnover pies are selling at one dollar a piece; strawberries and cream are selling at one dollar and fifty cents per saucer, and not much more than enough to color it at that. Greenbacks are in great demand, the rebels giving three of theirs for one of ours, and glad to get it at that. The soldiers and some of the citizens treat us well. Some of them told us that we were the most independent set of fellows they had ever seen. A Rev. Mr. Penkerton called to-day to see a nephew of his who is an orderly sergeant in our regiment, and appeared to be very sorry to find a son of his dear lamented brother, whom he believed to be in heaven, here in the South butchering those who had never done him any harm! "Uncle," was the calm reply, "I have done no more than what I considered to be my duty." He then volunteered

some advice to us, saying it was not very prudent in us to express our opinions so freely; that we did not understand as well as he the sentiment prevailing at Atlanta; and the answer was, that we had our birth and were reared where free discussion was enjoyed by all loyal Union-loving people, and under no circumstances would we be deprived of that privilege guaranteed to us by our Constitution, and neither will we be. The confederates have rather obscure ideas of what they want, or what they are contending for. If you ask them what they are fighting for, you get as a reply a jumble of State rights, constitutional rights, and negro rights, etc. But when asked what one of their constitutional privileges had been abridged or in any way molested by those at the head of the Government, prior to the bombardment of Fort Sumter, of course they could not tell, but would dodge the question by reproducing those cut and dried suppositions and speculations about what was intended, and (according to their sophistry) what would inevitably follow Lincoln's administration. In conversation with a Memphis rebel refugee, (renegade is better,) who could not refrain from expressing his admiration for Vallandigham, the Union soldier's worst enemy, he said: "I regard him as the very best statesman you have; his speech last winter was unanswerable." I said that "we did not recognize him to be one of us any more than we did Arnold or Burr, as entitled to the names of patriots or honesty; for he is repudiated by the mass of freemen of the North, irrespective of party, except a small faction of copperhead sympathizers of secession; and there is scarcely a soldier in the field that hears his name but with detestation. As it regards his speech, Bingham of Ohio and Morris of Pennsylvania answered it to the chagrin and discomfiture of the butternuts, and to the entire satisfaction of the Union people." At seven p.m. we are still on the commons without shelter, and the weather is quite cold.

May 7.— . . . I am well and in exuberant spirits, notwithstanding the uncharitableness of the weather and the inhospitality of the citizens. The weather is very cold for this climate; we have to hover around the fire to keep warm; it is out of the question to sleep away from the fire. We received this morning a small quantity of mouldy crackers and rusty meat. Evening: we again received a scanty supply of crackers and bacon, and were then marched down through the city and placed in box cars, and at eight p.m. started towards Chattanooga. . . .

May 8.— At Dalton, Ga., one hundred and five miles from Atlanta, and one hundred and ten from Knoxville. We will have to lay over until evening in this miserable place, full of villainous-looking people. Flour is worth sixty dollars per barrel, and other articles in the same ratio. Greenbacks are brisk, and exchangeable for five times their denomination in confederate shillings, "C. S. A." and individual. I saw the officials sending siege pieces east. There are no

army supplies here, but a small quantity of corn-meal in the station, neither have I seen any at any of the stations along the line, nor is it in the country through which we passed in sufficient quantities to subsist an army. If they have provisions it must be at their base of supplies. We left at four p.m. for Knoxville, Tenn. Good night, all.

May 9.—We arrived safe at Knoxville this six a.m., and were marched two miles to the camp of the Twenty-fourth Virginia, where we were treated like men, they furnishing us with some of their scanty rations; also supplying us with the requisite culinary utensils wherewith to prepare our frugal meal. All honor to that hospitable regiment of the "Old Dominion." Rations of hard bread and bacon were issued to us in a more liberal manner than usual. The sun has again made its long-looked and wished-for reappearance, thawing out our hypochondria. After breakfast and a good bathe, we were taken back to the city and placed upon the cars, and started again up Holstein valley, toward Bristol, Va., one hundred and thirty miles distant. The city of Knoxville is picturesquely situated upon several hills; and the landscape is as bold and rough as that noble old hero-patriot of Tennessee, Parson Brownlow, and is a fit place to form such an eccentric character. I think there is no more than one brigade of rebels stationed at this place. The soil is better and the cultivation and improvements are superior to any I have seen since coming into Alabama; but the country has been drained of all its products. Men are also scarce all along the line. Many women are in mourning.

May 10.— . . . I am well and in exuberant spirits, notwithstanding I spent a miserable night in a box car crowded with filth, vermin, and soldiers. Six a.m.—At Bristol, Va. We arrived here just at daylight, and have again changed cars. The town contains probably eight hundred inhabitants. We left at sunrise for Lynchburgh, two hundred and four miles distant from Bristol; the weather is delightful and every thing moves on smoothly. Vegetation here, compared with that of Georgia, is very backward; corn is not all planted; apple-trees are just in bloom; in Georgia the fruit is as large as the end of the thumb; the forest here is just budding; in Georgia it is nearly in its full "green glories." Two p.m.—We are at Glenn Spring Salt Rocks, one hundred and eight miles from Lynchburgh. This is a place of great importance, it being the most extensive salt manufactory of the Confederacy—Bastard Confederacy I mean. They have a brigade guarding this point, for fear the "Yanks" will come in and destroy it, as it was reported to them they would do, two weeks ago, and this brigade was sent here immediately. Five p.m.—The rickety old train has just run off the track, but fortunately doing no further injury than dislocating one soldier's wrist and bruising another one in the head, and disabling three cars. The

wreck was soon removed, and we were off through the mountains. But few of the bridges are guarded.

May 11.— . . . We came through the Alleghanies and Blue Ridge last night. Nine a.m.—Lynchburgh, Va. We have just arrived here. The city is situated upon some high bluffs of the James River, one hundred and thirty-two miles above Richmond. We here learned of the death of the greatest field general in the rebel service, General T. J. Jackson, (Stonewall,) which throws a pall of gloom around the city; ay, and we, not forgetting that although an enemy to our country, he was a brave and generous soldier, and, in the name of our common humanity, is entitled to our charitable consideration of his imperfections.

We will soon "forward on to Richmond." At nine a.m., an ounce and a half of burnt crackers and about the same amount of fat meat was distributed to each of us. Ten a.m.—We left in the cars on the South Side Railroad, and passed through the poorest country that I have ever seen, abounding in sterile pineries and jack-oak thickets, which were worn out by tobacco, and is now thrown out for nature, time, Eli Thayer, and eternity to renovate. This must be that portion of Virginia that that mighty, letter-writing Wise had in mind, when he wrote, that to get a "beefsteak, they would have to hunt a stump-tailed steer all over the hills and sedge patches of the Old Dominion;" and from what I see and can learn, I am inclined to believe that "Old Gizzard Foot" would now, to see a stump-tailed "steer" or one of any other kind, have to "put his goggles on his eyes," and wait as long as one of his own letters, before he would see said "steer" in this God-forsaken country. Every foot of soil that will prospectively raise a nubbin of corn is scratched or being scratched, and appropriated to that cereal, "King Corn." Four p.m.—We arrived at the junction of the South Side Railroad and the Richmond and Danville Railroad, fifty-two miles from the former place. We have once more changed cars, and will to-night proceed to move upon Richmond with a "Streight" column! So good night all.

May 12.—We are well and in buoyant spirits. When we awoke this morning we found ourselves thirty miles from the mighty cage that contains the golden bird, Jeff Davis, which has aroused the Yankee curiosity so much, that to secure it for the "American Museum," Generals McClellan, Pope, Burnside, Hooker, and lastly, Stoneman, have been sent; but all have as yet failed. Now, "I move" that, after one more trial is given "Fighting Joe," and he should fail, (I don't believe he will though,) that the "Powers that be at Washington" will send Mr. P. T. Barnum on a "Humbugging" tour to Richmond. Should he fail, we then might sing:

"There's no more use knocking at the door."

The country continues barren, and we are not five miles from the city. Judging from what I

have seen of the "Sunny South," there is not sufficient supplies in it to keep this miserable apology of a government six months longer from starvation. Should General Hooker keep the rebels out of Maryland and Pennsylvania, Rosecrans out of West-Tennessee and Kentucky, and Grant and Banks will close their store-houses of Mississippi, Louisiana, and Texas, then farewell to this last bastard of hell, and all its aiders and abettors; for we will bury them all so deep that it will require the last blast of the archangel's trumpet to reach and resurrect them to damnation eternal, with the arch-rebel of heaven, the devil their father, for company.

We arrived opposite the city at ten o'clock, a.m., and were joined by two thousand of Hooker's men, and were all marched over upon "Belle Isle," opposite the city, where we found some old tents and plenty of vermin. One boy facetiously remarked that there was not a single — on the isle, for they were all married and had large families.

The rebel rag is at half-mast upon the Capitol and public buildings, in mourning for "Stonewall" Jackson, the Rosecrans of their army.

Four p.m.—We have had no rations since nine a.m. yesterday. We all feel the gnawings of hunger, and had it not have been that some of us have some funds wherewith to buy a little unsalted corn-cake, we would have suffered severely. Secession is completely "played out," when they cannot even support their own soldiers with more than quarter-rations; and the dying words of Stonewall Jackson were to "send provisions to the army." Good-night. . . .

May 13.—I am well, but hungry.

Four p.m.—The "C. S. A." (Confederate Stealing Association) has furnished us but three burnt crackers of the circumference of a saucer, but much thinner, an ounce of fat meat, and one of soft bread in the last fifty-six hours, upon our honor. But the worst feature of the matter is, that there is not much prospect of us receiving any more soon. Will any sensible man please to give us an estimate of this pseudo government? Will the advocates in the South and their apologists in the North, of this rebellion, tell us what the prospect is now spread out before them? Do you not see in the not far distant future, or as it were on the confines of the present, the gaunt, spectral form of starvation, or the terrible visage of defeat, the crouching humiliating figure of submission, or the elevated and towering outlines of the gibbet, and the horrors of a traitor's death, and ignominy haunting you day and night, and which, like Banquo's ghost, "will not down"? I put this to the leaders of this hell-hatched rebellion, and not to the rank and file of their more honest but deluded and misguided followers; for I am glad to have it to record, and that too advisedly, as many knowing the fact will bear witness, that the common soldiery generally are kindly disposed toward us, and it is more than common sympathy for us, in our present unfortunate situation; for in conversation with them, undisturbed by their officials, they would tell me frank-

ly that there was a great misunderstanding existing between us; waiving the old position taken originally, that they were only right, and we were wrong alone; they said they regretted leaving the Old Flag, but they were led to believe that they were greatly wronged, and "went out" with their State. One said to me: "We are fighting for more than we will ever get—what our leaders promised we would get—equal rights and liberty; but we now see what we are to receive if we succeed—an aristocracy—a government for the few at the expense of the many." I asked him what man, more than any other one, was responsible for this unfortunate state of affairs; and ye Copperheads mark well the answer—"James Buchanan!" "How?" I asked, and thus he explained: "Why, he sat there in the White House like an imbecile, whilst our leaders made us believe that we were the worst abused people in the world, and he all the time saying to them and the country that there 'was no power under the Constitution to coerce a State.' Now, is he not responsible for all this, when he had it in his power to have said, like Jackson, 'By the eternal! I will take the responsibility,' and 'the Union must be preserved!'" What do you think of this, ye followers of the old "Pub. Func." and Vallandigham? I honestly believe if this vexed question could be submitted exclusively to the common soldiery upon each side for adjustment, we would soon have peace, honorable, lasting peace, under the Constitution and Union. But the thing is not possible now, and upon Jeff Davis and his coadjutors South and North, will rest the fearful responsibility for the continuance of this unnatural strife, begotten by the unholy ambition of such demagogues as above mentioned. Oh! terrible will be the retribution that will inevitably overtake them one of these fine mornings, far more fatal to them than was the fate of Stonewall Jackson, for he died as a man, and a brave soldier would desire to die; but these renegade ingrates upon a scaffold high as Haman! Amen, so mote it be. Mr. Secesh, should you be as successful in getting these words by the way, as your brother thief at Rome in securing a copy, will you just place this in your pipe and smoke it; will ye?

The oath of parole was administered to some of us this morning, mine with moral and mental reservations. We are now anxiously awaiting the happy hour that will take our feet out of the—not "mire and the clay," as the good hymn has it, but—sand and the vermin, and place them upon free soil and civilization, where honor, truth, and plenty abounds, and where pledges are not broken with prisoners of war, and they are not robbed of their private property contrary to stipulations; and where they do not fire on defenceless prisoners as at a target, as did one of these murderers of liberty yesterday, who shot three times across the river at us on the Isle, crushing the ankle-bone of one of Hooker's men until the marrow gushed out. So much for Southern chivalry, pish! O ye aristocratic Copperheads of the North! is it with these chivalrous sons of the "Sunny South," who break every promise made,

and violate all rules and laws of civilized, honorable warfare, that ye wish to make peace on the basis of "compromise"? Have ye become so loving and so forgiving that ye are willing to fall prone, and in the depths of humility and national degradation, extend the olive branch of peace, to these infernal traitors, covered all over with the blood of our brethren? Oh! what exalted magnanimity! what Christian benevolence and charity!! Most certainly the millennium has made its appearance, when these long-faced Pharisical Vallandighamites turn poor publicans, (pro tem,) and cry out in the agony of their gizzards: "Father Abraham, have mercy upon us sinners, and spare our dear friends, Jeff Davis & Co., and their beloved niggers, or the Union may go to the devil. Amen!" I hope all traitors, North or South, will receive absolution at the rope's end in taking an air-bath; or have to dance a jig with nary plank to stand upon. We have been waiting all day with the expectation that the next moment would be our last on Belle Isle. At noon we received a piece of a cracker the size of the hand, and one mouthful of meat, all not weighing over two ounces. This evening we received another ounce of hard bread and meat per man. O ye miserable apologists for this bastard Confederacy! who are telling it in the North that the rebels have plenty and cannot be starved out, and all that, I would ask you if the amount of rations their own men and ourselves receive, is evidence of plenty? Do you call this living sumptuously every day? I wish they would send the Hon. (?) C. L. Vallandigham down here on a visit, not of pleasure but of necessity, to see how plentifully his dear friends are of the necessities of life. I think he would soon see an "eye-opener."

Night, and raining, and the probability now is we will have to crawl from under these sieve tents to get out of the rain. Good night, my dear ones at home, and may God forgive me if I have not sufficient charity for my enemies. But, it appears to me though, we are only to forgive those who do not know their duty. Now as I understand it in this instance, these dirty scoundrels do know perfectly well what their duty is, and know well how to do it—I mean their leaders. For the private soldiers, I can say with all my heart, when they lay down their arms, "Father Abraham, forgive them, for they did not know what they did," which is self-evident, when we consider that they have no moneyed interest to enhance, nor "nary" nigger in jeopardy or in prospect, and no fat constituency to place them at the public crib when the "tug of war" is over. . . .

May 14. — I am well and in high spirits, for we have the assurance that this will be the last morning we will see the sun gild the spires of Richmond. . . .

We left Belle Isle to the number of four thousand five hundred, and recrossed to the south side of the river, and passed through Manchester, opposite Richmond, and took the Petersburg road for City Point, on the James River, thirty-six miles distant from Richmond. On the commons

we received two ounces of hard bread and miserable fat pork, which was, as they said, to be the last we would receive from these benevolent and hospitable traitors. We passed through their line of defences, found them numerous but not formidable; saw two twenty-four pounders upon one redoubt, also one brigade and battery, which were all the bodies of troops seen on the line. It rained this afternoon, making it very slavish travelling. After dark we bivouacked in the pineries, having come eighteen miles. We kindled a small fire, threw ourselves down Indian fashion, and composed our weary bodies for the night.

May 15.—We are well, except soreness in our limbs. Our rest was much broken by the cold wind, as we had no blankets, and some of us even were without overcoats; the petitions that ascended from that forest bed were not generally of a sacred character, particularly that portion relating to the forgiveness of our enemies. At daylight we left our "home" in this vast wilderness, and arrived, seven A.M., at Petersburg, where we found no manifestations of ill-will on the part of the citizens, but all looked silently on as we went "marching on." After leaving the city, we passed some unfinished fortifications, but no ordnance; the country still presents that appearance of total exhaustion, and every thing is taken out of it for the army. Meridian.—We have at last arrived at City Point, a small deserted village, showing visible signs of bombardment. We found five government transports. Two P.M. finds us on board the propeller John Rice, with about one thousand men stowed promiscuously about the ship. Among them were several deserters from the rebels. One of them, an artilleryman, came to our company at Manchester, and said he would like to go with us very much; we told him to come along; he succeeded in getting an overcoat and hat from our boys, and with this "aid and comfort directly," succeeded in taking shelter under those beautiful colors waving so gracefully from the peak of that tall mast. One of those who guarded us from Richmond concealed his gun, borrowed a "suit of blue," and succeeded in running the gauntlet, and is now under the old flag once more; and there are thousands more that would to-day love to stand beneath its beautiful folds instead of behind the stars and bars, and are but awaiting a favorable opportunity to make their exodus from their present "Egyptian bondage" or vassalage through the Red Sea between us, and reach the shores "of the happy land of freedom."

On the first vessel of war leaving the wharf, those aboard of her gave three cheers with a will for the Stars and Stripes, at the same time shaking their fists at the rebels, and full of bread and meat, which they had drawn on going on board. We then followed; each one of us, as we stepped aboard, receiving one half pound of good sweet light bread and a nice slice of boiled ham. A blind and deaf man would soon have found out that he had his hand near Uncle Sam's capacious crib. The senses of smelling, tasting, and, last

but not least in this case, was feeling, especially the good feeling and signs of contentment manifested; for so soon as they had partaken of their sumptuous repast, poor human nature, harassed by toil, hardships, privation, danger and insult, gave way to the soothing, invigorating influence of sleep, and you can now see the poor fellows lying, some in the hot sun, others in the warm hold and middle-deck, in all manner of positions but that of standing upon their heads. At half-past two P.M. we left the wharf, and proceeded down the classic stream of the "Old Dominion," and were it not for signs, presented at every point, of the ruthless hand of "grim-visaged war," I would pronounce the scenery lovely and peaceful; but the mansions of the F.F.V.s have, in most instances, "gone to ruin and decay;" the soil is uncultivated, as I did not see much wheat or much preparation for corn, etc.; the wharves or piers feel the tooth of time, and will soon be "numbered among the things that were." Surely age and misfortune sit heavily upon the "Mother of Presidents."

Six P.M.—We are still ploughing the blue depths of the broad and peaceful James River, but will soon have to cast anchor, as we cannot pass through the enemy's lines after dark, and we will not be able to make it before. The distance from City Point to Fortress Monroe is eighty miles; we will arrive there about eight A.M. to-morrow. I have selected as my bed the life-boat, and as it is growing late, and being much fatigued, I will go to rest, by the waves' gentle motion and the seagull's cheery music for my lullaby. So good-night.

May 16.— . . . I am well and in buoyant spirits now; although I made my bed in the life-boat, the coldness of the wind nearly froze me to death. When I awoke from my broken slumbers this morning, old Sol was raising his rosy face above the horizon, causing a ruddy glow upon the placid bosom of James River, Hampton Roads, and the broad blue Chesapeake, and casting a halo of glory all over our ensign of freedom floating from the mast-head in all its majestic beauty—"bow of promise" in the heavens and the "bright morning-star" of the Union soldier and patriotic citizen. We crossed the rebel lines early this morning, and now the flag of truce no longer precedes our National one. Ah! sad to our hearts is the truth that it has ever come to pass that a United States vessel, carrying a passport honored by all nations, could be compelled to hoist the white feather and beg permission of traitors to navigate Columbia's own waters, and that, too, near the tomb of our Washington, the storied field of Yorktown, and near the spot where stood the towering form of Patrick Henry when his clarion voice rung in thunder tones, in words of lightning, in Virginia's House of Burgesses, "Cæsar had his Brutus, Charles the First his Cromwell, and George the Third may profit by their example," and "as for me, give me liberty or give me death." But the rebels have substituted his terrible philippic against usurpers and tyrants by the following parody, "Brutus had his Triump

virate, Cromwell his Charles the Second, and Jeff Davis, Vallandigham, etc., may profit by their example;" and his battle-cry of freedom by the following paraphrase:

"Give us rule, or give us ruin; give us all we ask, or disunion; Lincoln, leave us all that James Buchanan gave us, all that Floyd, Toucey, Cobb, and company stole, and let us alone." But this will be our rendering of these noble sentiments when we have those traitors in our power: "The Devil had his Michael, Haman his Mordecai, and Davis, Vallandigham, etc., shall profit by their example." And to the latter sentiment of Columbia's orator we fervently respond, Amen! for, with Webster, we resolve: "The Union now and forever, one and inseparable."

We are opposite Newport News, and see where the wreck of the ill-fated Cumberland and gallant crew went down, casting gloom and sorrow over our beloved country. Sleep on in peace in thy bed of glory, my brave lads; thy deeds of heroic bravery will live green in our hearts forever.

At a distance of two miles from the shore lay three of those Yankee cheese-box crafts, as the boys call our monitors; they resemble, at the distance I see them, a large canoe with a flour-barrel in the centre; but as insignificant as these "dogs of war" look, they keep the Merrimac hugging the base of Fort Darling, for they have concluded, with the poet Campbell, that

"Tis distance lends enchantment to the view."

We arrived at Fortress Monroe and cast anchor at eight A.M. The place presents a very lively appearance; there are several government war vessels there composing our blockading fleet; besides there are three British frigates at anchor, also an almost innumerable quantity of all kinds of craft, and beyond us, in the Roads, lies, like a mighty sea-monster, the Rip Raps, the terror of deserters; while upon the other side of us, upon the Peninsula, lies the old *she*-fort, Fortress Monroe—her ramparts bristling with huge siege-pieces, while in the battery below stands the Time-gun, like a veritable Cerberus, guarding the entrance to the Roads. Oh! but I would like to hear her bark:

"The Union forever, hurrah, boys, hurrah!
Down with the traitors, up with the Stars,
While we rally round the flag, boys, rally once again,
Shouting the battle-cry of freedom."

Doc. 58.

REBEL PARTISAN RANGERS.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the President be, and he is hereby, authorized to commission such officers as he may deem proper, with authority to form bands of Partisan Rangers, in companies, battalions, or regiments to be composed each of such numbers as the President may approve.

SEC. 2. *Be it further enacted*, That such Parti-

san Rangers, after being regularly received into service, shall be entitled to the same pay, rations, and quarters, during the term of service, and be subject to the same regulations as other soldiers.

SEC. 3. *Be it further enacted*, That for any arms and munitions of war captured from the enemy by any body of Partisan Rangers, and delivered to any quartermaster at such place or places as may be designated by a commanding general, the Rangers shall be paid their full value in such manner as the Secretary of War may prescribe.

Approved April 21, 1862.

Doc. 59.

GUNBOAT FIGHT AT FORT HUGER.

A REBEL ACCOUNT OF THE AFFAIR.

FORT HUGER, HARDY'S BLUFF, JAMES RIVER, May 8, 1862.

THREE of the enemy's gunboats—two of them iron-clad—came up at eight o'clock this morning to Fort Boykin (commanded by Captain John U. Shivers) and opened fire, discharging about three hundred rounds of shell and rifle shot. The Fort, which had only five mounted guns, returned the fire until ten o'clock, when orders were given to spike the guns and burn the quarters. A fine company of light artillery and infantry had started from Smithfield, Isle of Wight County, to participate in the fight, but learning that the above orders had been given, they returned. The three gunboats then moved up the river eight miles, to the fort on Hardy's Bluff, and at eleven o'clock the guns at this Fort opened fire, which was returned by the boats continually until two o'clock. After firing over two hundred rounds of shell and rifle, they passed up the river out of range of the guns at the Fort, we having fired the first and last gun. Our flag waved gloriously throughout the engagement. Not a man was killed in the Fort, and only three were wounded.

Capt. J. M. Maury, (captain of the Fort,) during the entire engagement of three hours and a half, was as cool and collected as if only performing the daily practising of his guns on the Fort; also, Captain A. J. Aikin, of the Varina artillery, and Capt. Branch, of White's artillery, and their respective officers—all their names I did not learn; nor can too much praise be given to the men in each company, obeying every order from their officers bravely and cheerfully, as if they had faced a hundred battles instead of this their first battle. It would have pleased their friends to have witnessed how gallantly they fought. After the battle, Captain Maury caused the men to be drawn up in a line in the Fort, and stated if there was a man that did not wish to remain in the Fort and fight with him, to step out of the ranks, and he would allow him to leave the Fort and get out of the range of the guns. Not a man moved, not an eye quivered; but with one universal cry of "No! no! no! we will fight!" Can such men be conquered?

—Richmond Dispatch.

Doc. 60.

THE REBEL CONSCRIPTION.

THE PETITION OF CERTAIN NON-CONSCRIPTS, RESPECTFULLY PRESENTED TO THE CONFEDERATE STATES CONGRESS.

To the Speaker and Members of Congress of the Confederate States of America:

YOUR petitioners respectfully represent that they are all over the age of thirty-five years, or under the age of eighteen years. They were all "enrolled in the military service of the confederate States" previous to the sixteenth day of April, 1862, the date of the Conscript Act. Some of your petitioners belong to companies mustered and received into service for twelve months, some of whom reenlisted for the war previous to the sixteenth day of April, 1862, and others who have not reenlisted; some who have received the bounty money, and others who have not received it. Most of your petitioners had, under the call of their respective States, and the President of the confederate States, enlisted for "three years or the war," previous to the sixteenth of April, 1862.

Your petitioners are from the different States of the Confederacy—some of them over fifty years old, others under seventeen years of age. At the different periods of their enlistment the prospects of the army of the Confederacy were darkened and being overshadowed by a series of mishaps, blunders, and military misadventures. The cause so dear to every true and brave Southron was, to all outward appearances, waning, and needed renewed energies and unmistakable popular manifestations of personal bravery and individual sacrifices.

The call for fresh troops, increased energies, and redoubled exertions, was promptly responded to by your petitioners, as volunteers in the army of the confederate States. At that critical juncture of the affairs of the country, neither your petitioners nor the public had any idea of the passage of the Conscript Act. It was then believed that it was the settled policy of the confederate government to rest its sustaining reliance on the untrammelled free will and high spirit of the Southern people to be called forth, organized, and put into action under their respective State organizations. Your petitioners could not have anticipated the passage of the Conscript Act, or the adoption and sanction of any system of military organization by the confederate States government, which would claim to rest as a basis on the abnegation of the cherished principle of State sovereignty and individual freedom of will. They, as did their States, regarded the cardinal principle of individual, personal liberty and unquestioned State sovereignty as the key-note to the existing revolution.

Under impulses of no ordinary character, your petitioners, in the hour of their country's danger, left home, family, all, to fight as freemen in the army of freemen. To preserve sacred their birth-right—individual personal liberty, under their respective State governments—they were,

and are now, prepared to sacrifice every thing but their honor and manhood. They believed, as they had every right to believe, that the agreed status of the army would remain on the basis which had been adopted and sanctioned by the responsive legislation of the confederate government. Had that ascertained policy and accredited system of military organization been sustained and carried out, not one of your petitioners would have complained.

Under the conviction that no such change would or could be made, your petitioners volunteered freely and reenlisted willingly. They thus entered into a contract with the confederate States which they had no right to suspect would ever be violated by that high contracting party. In this they were over-confident. On the sixteenth day of April, 1862, the Conscript Act became a law. The will of your honorable body, as made known in that law, by terms too plain to be mistaken, and too imperious to be lightly disregarded, annulled all previous contracts made by volunteers, and, by explicit terms of *coercive legislation*, made men under the age of thirty-five years and over eighteen years soldiers for the war, or until they attained the age of thirty-five years—thus drawing, as with "hooks of steel," every male citizen within the prescribed ages, (with a few excepted cases,) immediately and entirely from the control of State action, and placed them at the disposal of the President during the war.

This law, had it been unqualified and unaccompanied by a reciprocating return to the body of society, and under the control of the different States, (that class then in the army, represented by your petitioners,) could never have been sanctioned by the States. As a *bonus* to society, and a concurrent guarantee to the States, your honorable body inserted certain qualifications, restrictions, and conditions precedent to the main body of the act. They were in the following words:

"*Provided further*, That all persons under the age of eighteen years, or over the age of thirty-five years, who are now enrolled in the military service of the confederate States, in the regiments, squadrons, battalions, and companies hereafter to be reorganized, shall be required to remain in their respective companies, squadrons, battalions, and regiments for ninety days, unless their places shall be sooner supplied by other recruits, not now in the service, who are between the ages of eighteen and thirty-five years. And all laws and parts of laws providing for the reorganization of volunteers, and the organization thereof, into companies, squadrons, battalions, and regiments shall be and the same are hereby repealed."

On the promulgation of the law, with this qualification, (without which your petitioners aver the law could never have been passed,) there was but one construction placed on it in the army and throughout the country, so far as your petitioners are advised and believe; and that was, that all persons over the age of thirty-five years

or under eighteen years, who were, on the date of the law, "enrolled in the military service of the confederate States," *should be discharged on the sixteenth day of July, 1862*; and this without restriction, qualification, or peradventure. *These were the terms of the law.* They were plain, unequivocal, and mandatory. Common-sense—universal public opinion, concurring military, popular, and official sentiment, thus understood, accepted, and adopted the law. Nor was it anywhere, by any one, or under any circumstances, otherwise spoken of, considered, or regarded, so far as your petitioners are advised, *in or out of the army*, until General Order No. 46, rescinding General Order No. 44, was issued by the Adjutant-General, under and by authority of the Secretary at War.

That order took the country and the army by surprise. It fell as a death-knell upon the assured expectations of your petitioners. It struck the popular ear with no less astonishment. It disclosed a new, secret, and dangerous spring of executive and ministerial power, as unlooked for as it was novel and perilous to the spirit and genius of the revolution inaugurated on the declared principle of eternal opposition and unyielding resistance to executive or *quasi* legislative encroachments on the chartered rights and constitutional privileges of the people. It manifested a will to assume power where none was bestowed, or intended to be bestowed, and to exercise high retroacting and annulling prerogatives where all exercise of executive will or ministerial discretion was positively and distinctly inhibited. It presented a painful instance of a plain, palpable, and dangerous infraction of the constitutional guarantees and vested rights of your petitioners, as declared by your honorable body, and unmistakably announced in the Conscrip Act.

Your petitioners, feeling that this interpolating order of the Adjutant-General was a clear, palpable, and unauthorized (*by the law*) infraction of their rights, consulted counsel, and procured his written opinion, which was published, and will be laid before your honorable body. In thus seeking counsel, your petitioners were not actuated by any other spirit than that of a disposition to ascertain their legal rights, as defined and enumerated by your honorable body. They had *volunteered* without the least idea of the passage of any such law. That law, without their solicitation, not only revoked and annulled the act of their volunteering, but, in distinct terms, released them from all military service after the sixteenth day of July, 1862, *as a consideration to society and the different States* for the unconditional, peremptory, and mandatory draft, which the same law made indiscriminately on the community. It in express terms *released* all over thirty-five years or under eighteen years, that it *might claim, demand, and impress* all between those ages. It *discarded* those over thirty-five years of age, that it might *COERCE* those under that age.

This was a severe tax on the community at large, and not less severe on your petitioners as

a class. It took the manhood and youth of the country, with or without their consent; but it undertook and guaranteed that all over thirty-five or under eighteen years should be discharged. This was, in terms, a solemn legislative compact with the States and society. As such, severe and harsh as it was, it was ratified by acquiescence, and no settled opposition was made.

Your petitioners even now would greatly prefer that matters should have remained as they were; but they were disposed of by the law, and respectfully insist that what the law did the Secretary at War cannot undo. The compact made by your honorable body, if good in one part, must stand unaltered in every part. The clause releasing your petitioners was in a proviso, and was and is paramount to the enactments in the main body of the act. It was the codicil to the legislative will, and was superior in its active powers to any and all parts of the act which might happen to conflict with it. If the retroactive interpolation entered by authority of the Secretary at War repealed that proviso, according to all law and every rule of sound construction, the same repealing order would annul and destroy the main body of the act. On this subject, your petitioners are advised, the authorities are most satisfactory.

But the Secretary at War has repealed the proviso, recalled the warrant of discharge, and placed his own construction on the whole law, and directed that your petitioners should not be discharged—the twelve months' men—until the expiration of ninety days after their term of service, and claims to retain all persons enlisted for the war previous to the sixteenth of April, 1862, for the war.

Your petitioners are advised that the rights, privileges, and immunities vested in them by virtue of the proviso to the said act are full and complete, attended by no conditions, and restrained by no qualifications, and that those rights admit of no intermediate and counteracting restrictions, either from the executive or ministerial department of the government. They aver, most respectfully, that any interpolating or retroactive orders, whether by the Chief Magistrate, or any one or more of his subordinate functionaries, is in law (however they may temporarily act on your petitioners) unavailing, null, and void. But they are advised that, as there is in operation no judicial process by which they could test this matter as a class, their only legitimate means of redress is through your honorable body.

There can be no question that *all laws passed by Congress are supreme*, and challenge the *obedient acquiescence* of the President and every department of the government until they are repealed or pronounced unconstitutional by a competent judicial tribunal. And any violation of any one or more of such laws by any department of the government is not less culpable than a similar violation by any other member of society.

The reason, spirit, and intention of the law in

question, as well as its words, context, and subject-matter, are plain and unmistakable. There is no point, no word, no object, no purpose which is not fairly and plainly set forth. The question then presents itself, painful, serious, and vital, shall the law prevail, or shall the intervening, unauthorized interpolation of the Secretary at War prevail? Shall an army order revoke a solemn act of Congress? Shall Congress or the Executive rule the people, control the army, and legislate for the country? Have we a constitutional government, with specific powers granted, beyond which no department of the government shall pass, or have we an unlimited government, dependent only on Executive will or ministerial caprice? Are the people free, or is the Executive supreme?

These are no idle questions. They are solemnly propounded, and merit a solemn response. It was legislative encroachments and Executive usurpations which destroyed the Union, never to be restored. Shall the Southern States, confederated, yield the same destroying element of self-destruction? The answer which your honorable body may see fit to give will descend with its weighty consequences to posterity. The voice of history is not less potent in its warnings against executive assumption or ministerial abuse of power than the hopes of the future are dependent on your response.

In view of the dangers which beset the country, your petitioners cannot better conclude their appeal than by adopting the significant language uttered by Patrick Henry, in the Virginia Convention, on the seventh of January, 1788, when he exclaimed: "The real rock of political salvation is self-love — perpetuated from age to age — in every human breast, and manifested in every human action. When the Commons of England, in the manly language which became freemen, said to their king, 'YOU ARE OUR SERVANT,' then was the temple of liberty complete."

It is with no view of avoiding danger, or shunning responsibilities, that your petitioners ask their discharge. Their hearts, hopes, energies are all enlisted in this war. They had rather lose all and perish themselves, than fail to maintain the cardinal principle on which this war turns. They will never yield to an insolent foreign foe, or succumb to any power which seeks to subvert the inherent rights of the States, or to destroy the individual liberty of the free-born citizen. Feeling that in this order of revocation, (General Order No. 46) not only their rights, but the rights of the people, and the legitimate powers and functions of Congress, are invaded and endangered, they seek the proper remedy; should their services be needed, they, and all they have, will be freely offered up on the altar of constitutional liberty. But they are not prepared to yield a silent submission to the violation of their rights, or the subversion of the vested immunities, when their *title papers are derived from your honorable body*.

Your petitioners respectfully ask, that they

may be fully heard before your honorable body, through their counsel. THE PETITIONERS,

By their counsel, JOHN H. GILMER.

Richmond, Aug. 8, 1862.

Doc. 61.

JEFF DAVIS'S MESSAGE,

DELIVERED AUGUST 18, 1862.

To the Senate and House of Representatives of the Confederate States:

It is again our fortune to meet for devising measures necessary to the public welfare, whilst our country is involved in a desolating war. The sufferings endured by some portions of the people excite the deepest solicitude of the government, and the sympathy thus evoked has been heightened by the patriotic devotion with which these sufferings have been borne. The gallantry and good conduct of our troops, always claiming the gratitude of the country, has been further illustrated on hard-fought fields, marked by exhibitions of individual prowess which can find but few parallels in ancient or modern history. Our army has not faltered in any of the various trials in which it has been subjected, and the great body of the people have continued to manifest a zeal and unanimity which not only cheer the battle-stained soldier, but gives assurance to the friends of constitutional liberty of our final triumph in the pending struggle against despotic usurpation.

The vast army which threatened the capital of the Confederacy has been defeated and driven from the lines of investment, and the enemy, repeatedly foiled in his efforts for its capture, is now seeking to raise new armies on a scale such as modern history does not record to effect that subjugation of the South so often proclaimed as on the eve of accomplishment.

The perfidy which disregarded rights secured by compact, the madness which trampled on obligations made sacred by every consideration of honor, have been intensified by the malignity engendered by defeat. These passions have changed the character of the hostilities waged by our enemies, who are becoming daily less regardful of the usages of civilized war and the dictates of humanity. Rapine and wanton destruction of private property, war upon non-combatants, murder of captives, bloody threats to avenge the death of an invading soldiery by the slaughter of unarmed citizens, orders of banishment against peaceful farmers engaged in the cultivation of the soil, are some of the means used by our ruthless invaders to enforce the submission of a free people to foreign sway. Confiscation bills of a character so atrocious as to insure, if executed, the utter ruin of the entire population of these States, are passed by their Congress and approved by their Executive. The moneyed obligations of the confederate government are forged by citizens of the United States, and publicly advertised for

sale in their cities with a notoriety that sufficiently attests the knowledge of their government, and its complicity in the crime is further evinced by the fact that the soldiers of the invading armies are found supplied with large quantities of these forged notes as a means of despoiling the country people, by fraud, out of such portions of their property as armed violence may fail to reach. Two, at least, of the generals of the United States are engaged, unchecked by their government, in exciting servile insurrection, and in arming and training slaves for warfare against their masters, citizens of the Confederacy. Another has been found of instincts so brutal as to invite the violence of his soldiery against the women of a captured city.

Yet, the rebuke of civilized man has failed to evoke from the authorities of the United States one mark of disapprobation of his acts; nor is there any reason to suppose that the conduct of Benjamin F. Butler has failed to secure from his government the sanction and applause with which it is known to have been greeted by public meetings and portions of the press of the United States. To inquiries made of the Commander-in-Chief of the armies of the United States, whether the atrocious conduct of some of their military commandants met the sanction of that government, answer has been evaded on the pretext that the inquiry was insulting, and no method remains for the suppression of these enormities but such retributive justice as it may be found possible to execute.

Retaliation in kind, for many of them, is impracticable, for I have had occasion to remark in a former message, that under no excess of provocation could our noble-hearted defenders be driven to wreak vengeance on unarmed men, on women, or on children. But stern and exemplary punishment can and must be meted out to the murderers and felons, who, disgracing the profession of arms, seek to make of public war the occasion for the commission of the most monstrous crimes.

Deeply as we regret the character of the contest into which we are about to be forced, we must accept it as an alternative which recent manifestations give us little hope can be avoided.

The exasperation of failure has aroused the worst passions of our enemies; a large portion of their people, even of their clergymen, now engage in urging an excited populace to the extreme of ferocity, and nothing remains but to vindicate our rights and to maintain our existence by employing against our foe every energy and every resource at our disposal.

I append for your information a copy of the papers exhibiting the action of the government, up to the present time, for the repression of the outrages committed on our people. Other measures now in progress will be submitted hereafter.

In inviting your attention to the legislation which the necessities of our condition require, those connected with the prosecution of the war command almost undivided attention.

The acts passed at your last session intended to secure the public defence by general enrolment, and to render uniform the rules governing troops in the service, have led to some unexpected criticism that is much to be regretted.

The efficiency of the law has been thus somewhat impaired, though it is not believed that in any of the States the popular mind has withheld its sanction from either the necessity or propriety of your legislation. It is only by harmonious as well as zealous action that a government as new as ours, ushered into existence on the very eve of a great war, and unprovided with the material necessary for conducting hostilities on so vast a scale, can fulfil its duties. Upon you, who are fully informed of the acts and purposes of the government, and thoroughly imbued with the feelings and sentiments of the people, must reliance be placed to secure this great object. You can best devise the means for establishing that entire coöperation of the State and confederate governments which is essential to the well-being of both at all times, but which is now indispensable to that very existence.

And if any legislation shall seem to you appropriate for adjusting differences of opinion, it will be my pleasure as well as duty to coöperate in any measure that may be devised for reconciling a just care for the public defence with a proper deference for the most scrupulous susceptibilities of the State authorities.

The report of the Secretary of the Treasury will exhibit in detail the operations of that department. It will be seen with satisfaction that the credit of the government securities remains unimpaired, and that this credit is fully justified by the comparatively small amount of accumulated debt, notwithstanding the magnitude of our military operations. The legislation of the last session provided for the purchase of supplies with the bonds of the government, but the preference of the people for treasury notes has been so marked that the legislation is recommended to authorize an increase in the issue of treasury notes, which the public service seems to require. No grave inconvenience need be apprehended from this increased issue, as the provision of law by which these notes are convertible into eight per cent bonds, forms an efficient and permanent safeguard against any serious depreciation of the currency. Your attention is also invited to the means proposed by the Secretary for facilitating the preparation of these notes, and for guarding them against forgery. It is due to our people to state that no manufacture of counterfeit notes exists within our limits, and that they are imported all from the Northern States.

The report of the Secretary of War, which is submitted, contains numerous suggestions for the legislation deemed desirable in order to add to the efficiency of the service. I invite your favorable consideration especially to those recommendations which are intended to secure the proper execution of the conscript law, and the consolidation of companies, battalions, and regiments, when so reduced in strength as to impair that uniformity

of organization which is necessary in the army, while an undue burthen is imposed on the treasury. The necessity for some legislation for controlling military transportation on the railroads, and improving their present defective condition, forces itself upon the attention of the government, and I trust that you will be able to devise satisfactory measures for attaining this purpose. The legislation on the subject of general officers involves the service in some difficulties which are pointed out by the Secretary, and for which the remedy suggested by him seems appropriate.

In connection with this subject I am of opinion that prudence dictates some provision for the increase of the army, in the event of emergencies not now anticipated. The very large increase of forces recently called into the field by the President of the United States may render it necessary hereafter to extend the provisions of the conscript law, so as to embrace persons between the ages of thirty-five and forty-five years. The vigor and efficiency of our present forces, their condition, and the skill and ability which distinguish their leaders inspire the belief that no further enrolment will be necessary, but a wise foresight requires that if a necessity should be suddenly developed during the recess of Congress requiring increased forces for our defence, means should exist for calling such forces into the field, without awaiting the reassembling of the legislative department of the government.

In the election and appointment of officers for the provisional army, it was to be anticipated that mistakes would be made, and incompetent officers of all grades introduced into the service. In the absence of experience, and with no reliable guide for selection, executive appointments, as well as elections, have been sometimes unfortunate. The good of the service, the interests of our country, require that some means be devised for withdrawing the commissions of officers who are incompetent for the duties required by the position, and I trust that you will find means for relieving the army of such officers by some mode more prompt and less wounding to their sensibility than judgment of a court-martial.

Within a recent period we have effected the object so long desired, of an arrangement for the exchange of prisoners, which is now being executed by delivery at the points agreed upon, and which will, it is hoped, speedily restore our brave and unfortunate countrymen to their places in the ranks of the army from which, by the fortune of war they have for a time been separated. The details of this arrangement will be communicated to you in a special report when further progress has been made in their execution.

Of other particulars concerning the operations of the War Department, you will be informed by the Secretary in his report and the accompanying documents.

The report of the Secretary of the Navy embraces a statement of the operations and present condition of this branch of the public service, both afloat and ashore; the construction and equipment of armed vessels at home and abroad, the

manufacture of ordnance and ordnance stores, the establishment of workshops, and the development of our resources of coal and of iron. Some legislation seems essential for securing crews for vessels. The difficulties now experienced on this point are fully stated in the Secretary's report, and I invite your attention to providing a remedy.

The report of the Post-Master General discloses the embarrassments which resulted in the postal service from the occupation by the enemy of the Mississippi River, and portions of the territory of the different States. The measures taken by the department for relieving these embarrassments, as far as practicable, are detailed in the report. It is a subject of congratulation, that, during the ten months which ended on the thirty-first of March last, the expenses of the department were largely decreased, whilst its revenue was augmented, as compared with a corresponding period ending on the thirtieth June, 1860, when the postal service for these States was conducted under the authority delegated to the United States. Sufficient time has not yet elapsed to determine whether the measures, heretofore devised by Congress, will accomplish the end of bringing the expenditures of the department within the limits of its own revenues by the first of March next, as required by the Constitution.

I am happy to inform you that, in spite both of blandishments and threats, used in profusion by the agents of the government of the United States, the Indian nations within the Confederacy have remained firm in their loyalty, and steadfast in the observance of their treaty engagements with this government. Nor has their fidelity been shaken by the fact that, owing to the vacancies in some of the offices of agents and superintendents, delay has occurred in the payments of the annuities and allowances to which they are entitled. I would advise some provision authorizing payments to be made by other officers, in the absence of those especially charged by law with this duty.

We have never-ceasing cause to be grateful for the favor with which God has protected our infant Confederacy. And it becomes us reverently to return our thanks and humbly to ask of his bounteousness that wisdom which is needful for the performance of the high trusts with which we are charged.

JEFFERSON DAVIS.

Richmond, August 18, 1862.

Doc. 62.

SOUTHERN CIVILIZATION.

MR. COLLIER'S JOINT RESOLUTION.

In the Virginia Senate, on the fifteenth of May, 1862, Mr. Collier submitted the following:

The General Assembly of Virginia doth hereby declare, That negroes in slavery in this State and the whole South, (who are, withal, in a higher condition of civilization than any of their race has ever been elsewhere,) having been a property in their masters for two hundred and forty years,

by use and custom at first, and ever since by recognition of the public law in various forms, ought not to be, and cannot justly be, interfered with in that relation of property, by the States, neither by the people in Convention assembled to alter an existing Constitution, or to form one for admission into the Confederacy, nor by the representatives of the people in the State or the confederate Legislature, nor by any means or mode which the popular majority might adopt, and that the State, whilst remaining republican in the structure of its government, can lawfully get rid of that species of property, if ever, only by the free consent of the individual owners, it being true, as the General Assembly doth further declare, that for the State, without the free consent of the owner, to deprive him of his identical property, by compelling him to accept a substituted value thereof, no matter how ascertained, or by the *post nali* policy, or in any other way not for the public use, but with a view to rid the State of such property already resident therein, and so to destroy the right of property in the subject, or to constrain the owner to send his slaves out of the State, or else to expatriate himself and carry them with him, would contravene and frustrate the indispensable principles of the government; and, whereas, these confederate States being now all slaveholding, may be disturbed by some act of the majority, in any one of them, in derogation of the rights of the minority, unless this doctrine above declared be interposed; therefore,

Resolved, by the General Assembly of Virginia, That the Governor of Virginia be, and he is hereby requested to communicate this proceeding to the several Governors of the confederate States, and to request them to lay the same before their respective Legislatures, and to request their concurrence therein in such way as they may severally deem best calculated to secure stability to the fundamental doctrine of Southern civilization, which is hereby declared and proposed to be advanced.

Doc. 63.

THE WHITE HOUSE, VA.

GENERAL McCLELLAN'S OFFICIAL EXPLANATION.

SECRETARY Stanton laid before Congress, in answer to the resolution of inquiry of the House of Representatives, the full correspondence in relation to the occupation of White House, Virginia. The following official explanation from General McClellan discusses the whole question:

HEADQUARTERS ARMY OF THE POTOMAC. }
CAMP LINCOLN, VIRGINIA, June 22, 1862. }

SIR: On the seventh instant I received a telegram from you, a copy of which I here insert.

[Telegram.]

WASHINGTON, 12.30 P.M., June 7, 1862.

Very urgent complaints are being made from various quarters respecting the protection afforded to the rebel General Lee's property, called the White House, instead of using it as a hospital

for the care of wounded soldiers. It is represented that they have even to purchase a glass of water for thirsty, wounded and suffering soldiers. It seems to me that the necessities of our suffering soldiers require that this property should be devoted to their use rather than be protected for rebel officers by whose arms our troops have fallen. I hope you will give an order to that effect. EDWIN M. STANTON,

Secretary of War.

To this I replied on the same day as follows:

[Telegram.]

HEADQUARTERS ARMY OF THE POTOMAC, }
June 7, 1862. }

Honorable E. M. Stanton, Secretary of War:

Your despatch of half-past twelve P.M. to-day received, and I must confess that its contents have not only struck me with astonishment, but have given me much pain. The care of our sick and wounded has tasked the unremitting energies of the whole medical corps in this army, as well as occupied a great share of my attention from other important duties, and I feel conscious that every thing has been done for their comfort that human efforts could accomplish.

The White House of the rebel General Lee, referred to, is a small frame building of six rooms, worth probably one thousand five hundred dollars, and the Medical Director states that it would not accommodate more than thirty patients. He has tents where the patients are comfortable, and he has, therefore, never conceived it necessary to call for the use of the house as a hospital.

As to the story about the thirsty, wounded, suffering soldiers having to buy a glass of water, its only foundation probably originated in the fact that some civilian, who was too indolent to go for the water himself, may have paid a negro for bringing it to him.

The following extract from a despatch just received from Colonel Rufus Ingalls, the Chief Quartermaster in charge at White House, will give you some light upon this subject, and perhaps satisfy you as to the motives of the individuals who make the urgent complaints in question: "No one here has ever had cause to suffer for water, unless he was too drunk or sick to drink it. We have water in unnecessary abundance. The springs are numerous, the water is very fine, and no prohibition has ever been placed on the free and unlimited use of it. The author of this report to the contrary must be a simpleton or a malicious knave."

I have given special directions to protect the property of the White House from any unnecessary injury or destruction because it was once the property of General Washington, and I cannot believe that you will regard this as a cause for rebuke or censure. I protect no houses against use when they are needed for sick or wounded soldiers. Persons who endeavor to impose upon you such malicious and unfounded reports as those alluded to are not only enemies to this army, but to the cause in which we are now fighting.

GEORGE B. McCLELLAN,
Major-General.

In answer to which I received the following:
(Telegram.)

WASHINGTON, 8th.

MAJOR-GENERAL McCLELLAN: My despatch to you in relation to the White House, was to inform you that representations were made here concerning the matter by persons who profess to speak from personal knowledge, and also by letters, in order that your attention might be directed to it, and all grounds of complaint removed, if any exist. I am glad that your explanation will enable me to correct this misrepresentation. Neither you nor I can hope to correct all such stories, but so far as it is in my power, I shall labor to do so. EDWIN M. STANTON,

Secretary of War.

I remained under the impression that the matter was disposed of to your entire satisfaction, until I received a communication from the Assistant Secretary of War, under date of the sixteenth instant, inclosing a copy of a communication from the Surgeon-General to the War Department, bearing your indorsement, recommending that I should make the order therein requested. I insert copies of both, that the subject may be better understood:

WAR DEPARTMENT,
WASHINGTON CITY, D. C., June 16, 1862. }

SIR: The Secretary of War directs me to forward to you the inclosed copy of a communication of this date, just received from the Surgeon-General, requesting that the White House grounds may be turned over to the medical authorities, for hospital purposes, with the recommendation which the Secretary has indorsed thereon, and to call your early attention to the same. Very respectfully, your obedient servant,

C. P. WOLCOTT,
Assistant Secretary of War.

Major-General GEORGE B. McCLELLAN,
Commanding Army of the Potomac.

SURGEON-GENERAL'S OFFICE,
WASHINGTON CITY, D. C., June 16, 1862. }

SIR: It has been represented to me by responsible gentlemen, that the White House and the inclosed grounds are admirably adapted for hospital purposes.

The water used by the sick, at present, is very bad; that on the White House grounds, on the contrary, is excellent. The location is, moreover, an admirable one for a hospital camp. I have, therefore, respectfully to request that the House and grounds may be turned over to the medical authorities.

I am, sir, very respectfully, your obedient servant,

WM. A. HAMMOND,
Surgeon-General.

HON. E. M. STANTON,
Secretary of War.

A true copy from the original on file in this department. C. P. WOLCOTT,

Assistant Secretary of War.

War Department, June 16, 1862.

On the receipt of the foregoing I ordered the chief medical officer of this army to proceed at once to White House, and make a thorough in-

vestigation of the whole matter, and I here insert a copy of his report:

HEADQUARTERS ARMY OF THE POTOMAC, CAMP LINCOLN, }
MEDICAL DIRECTOR'S OFFICE, June 22, 1862. }

GENERAL: I have the honor to report that, in obedience to your instructions, I proceeded to White House on Friday afternoon, (twentieth,) and returned yesterday.

I called upon Colonel Ingalls, and, in company with him, examined the house known as the White House, as well as the outbuildings, grounds, and spring.

The house is two stories in height, with two small rooms on each floor, with a very small wing at each end on the lower floor, a cellar under the main building, and with no attic.

The four rooms in the main building can each accommodate five patients; one of the wings can accommodate three or perhaps four patients; the other is a sort of pantry, and has on one side the opening for the stairway to descend into the cellar. This room is unfit for any other purpose than a dispensary or kitchen. The cellar is dark, damp, and foul, and, in my opinion, should of itself forbid the occupation of the house as a hospital.

The greatest number of sick which the house can accommodate is, then, twenty-four, leaving no room for the nurses. The outbuildings are entirely unfit for hospital purposes.

The grounds consist of a lawn, shaded by locust trees, and a kitchen-garden. The lawn affords room for about twenty-five hospital tents.

The kitchen-garden is of loose soil, parts of it rather low, and in wet weather would be muddy and uncomfortable; by ditching, it might be drained.

The spring is at the foot of the bank, near the dairy-house. The water is good, similar to that of the other springs that have been prepared for the use of the men.

The supply of water in the spring within the grounds is very scanty. The hospital steward told me he had abandoned it because he found it required two hours and a half to fill a barrel of water. The spring is inaccessible to wagons. It has always been at the service of the hospital. I inclose the order of Colonel Ingalls to that effect.

If this house were used for hospital purposes, it could only be made available for the quarters of the surgeons attached, and for a dispensary.

The sick would require hospital tents upon the lawn. If the grounds were occupied in this way, as they are altogether insufficient for the whole establishment, it would necessitate the organization of a separate administration—surgeons, cooks, stewards, etc.—an expenditure of *personnel* that we cannot very well afford.

We have now one hundred and seventy hospital-tents pitched on the plantation, well arranged and well policed; the camp well drained; the administration tents, the cooking apparatus, and the subsistence tents centrally located and convenient for all parties. Thirty-five more tents

are on the ground and are being pitched as the force at our disposal will allow. Sixty-five of these tents have plank floors. The remaining thirty-five of the first one hundred received would have been floored if the lumber had been on hand.

The delay in receiving this, however, has developed an interesting and important fact: the mortality in the floored tents has been very sensibly greater than in those without floors. I have directed the surgeon in charge to prepare tables, showing the comparative ratio of deaths in the two classes of tents, for my information. If lumber is received, I will suspend the flooring of the remaining tents, until these tables can be examined, and the question set at rest.

I must remark that, although the whole of the tents occupied were in good police, and an air of comfort pervading them, still those without floors were decidedly superior in these respects to the others.

In relation to the relative advantages of hospital-tents and buildings for hospital purposes, I think that, among those at all familiar with the subject, there is but one opinion—that the tents are decidedly the best.

Very respectfully, your obedient servant,

CHARLES S. TRIPLER,

Surgeon and Medical Director, Army of the Potomac.
General R. B. MARCY,
Chief of Staff.

I also insert a communication on this subject this day received from Dr. E. P. Vollum, Medical Inspector, who upon the seventeenth instant, received an order from the Surgeon-General to proceed to "White House and other necessary points, and organize a system for the more efficient conduct of the transportation of the sick and wounded of the army of the Potomac to general hospitals."

HEADQUARTERS ARMY OF THE POTOMAC, }
June 23, 1862.

SIR: As you requested, I will state my opinion of the amount of accommodation of the White House, Va., for the sick and wounded, and what I know of the supply of water there for hospital purposes.

The White House will hold about twenty-five beds, with scarcely room enough for the necessary number of nurses for that number. If, the space in the house were consumed by an apothecary store, rooms for medicines, provisions, and soldier's effects necessary for that number of beds, the place would be excessively crowded. In this calculation, the medical officers and steward would have to quarter outside.

The spring in front of the White House, near the water's edge, has a good flow of water, but not enough for the sick under Dr. Watson's care, near that place; in consequence of which, he sank some casks near by, which he informed me furnished enough water of good quality.

Very respectfully, your obedient servant,

EDM. P. VOLLUM,

Medical Inspector United States Army.
Brigadier-General S. WILLIAMS,
Adjutant-General Army of the Potomac.

The only order ever given by me in regard to this property was that on the sixteenth of May. I directed that the house and yard should not be occupied by our troops. I did this because of the associations which connect the premises with the earlier life of him whom we call the Father of his Country; and this order, with the reason therefor, was at once telegraphed to yourself in these words:

"I have taken every precaution to secure from injury this house where Washington passed the first portion of his married life. I neither occupy it myself nor permit others to occupy it, or the grounds in immediate vicinity."

The rest of the property, covering several thousand acres, with all the other buildings, have been open to use by this army. I believe that the only complaint made in reference to the order given by me is the assertion that the premises should have been used for hospital purposes.

I have never received any suggestion from any medical officer or from any other source in this army, that such use was desirable, and on this point I refer you to the report of the Medical Director and the statement of the Medical Inspector.

It appears that there is a spring within or near the inclosure, of which my first knowledge was derived after receipt of your telegram of the seventh instant. As to the character of this spring, and the general facilities for obtaining water at the White House, I refer you to the statements of Colonel Ingalls, the Medical Director, and Medical Inspector hereinbefore inserted.

That the officer in charge there may, however, be protected against misrepresentation, I here insert a copy of a written order issued by him on the twenty-first of May on this very subject:

OFFICE OF QUARTERMASTER,
WHITE HOUSE, VA., May 21, 1862. }

The guards and sentinels around the White House will allow the carts and wagons used for hospital purposes to have access at all times to the water within the inclosure.

RUFUS INGALLS,
Lieutenant-Colonel, Aid-de-Camp, and Quartermaster
U. S. Army.

It is scarcely necessary for me to say that where springs or wells are in the vicinity of large bodies of troops, commanders often find it necessary to place guards over them, not to prohibit, but to protect the proper use of the water.

Those who have originated the false statements concerning this house, yard, and spring, are, in fact, as stated in my despatch of the seventh instant, enemies of this army, and of the cause in which it is fighting. They have imposed upon the Surgeon-General, and caused him to make official representations, which, on examination, prove to be unfounded in truth, and which are disrespectful to his superior officer. They have unnecessarily occupied the attention of the Secretary of War, and have inter-



W. J. L. A. 1847

RICHARD COBDEN, M.P.

Portrait of Richard Cobden, M.P. (1817-1894). Engraving by W. J. L. A. 1847.

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1840-1860

RICHARD COBDEN, M.P.

Portrait of Richard Cobden, M.P., by John Everett Millais, 1841.



rupted the Commander and the Medical Director of this army in the midst of the most arduous duties.

Under the circumstances, I conceive that I shall best discharge my duty and meet your wishes by deferring the order recommended by you until this statement has been considered, and some specific instruction given to me, unless the Medical Director may desire to make such use of the property.

I have the honor to be, very respectfully, your obedient servant,

GEO. B. McCLELLAN,
Major-General Commanding.

Hon. E. M. STANTON,
Secretary of War.

Doc. 64.

RETALIATION BY THE REBELS.

LETTER FROM JEFFERSON DAVIS.

RICHMOND, VA., July 31, 1862.

SIR: On the twenty-second of this month a cartel for the general exchange of prisoners of war was signed between Major-General D. H. Hill, in behalf of the confederate States, and Major-General John A. Dix, in behalf of the United States. By the terms of this cartel it is stipulated that all prisoners of war hereafter taken shall be discharged on parole till exchanged.

Scarcely had that cartel been signed when the military authorities of the United States commenced a practice changing the whole character of the war from such as becomes civilized nations into a campaign of indiscriminate robbery and murder.

The general order issued by the Secretary of War of the United States, in the city of Washington, on the very day the cartel was signed in Virginia, directs the military commanders of the United States to take the private property of our people for the convenience and use of their armies, without compensation.

The general order issued by Major-General Pope on the twenty-third day of July, the day after the signing of the cartel, directs the murder of our peaceful inhabitants as spies, if found quietly tilling the farms in his rear, even outside of his lines; and one of his Brigadier-Generals, Steinwehr, has seized upon innocent and peaceful inhabitants to be held as hostages, to the end that they may be murdered in cold blood, if any of his soldiers are killed by some unknown persons whom he designates as "bushwhackers."

Under this state of facts this government has issued the inclosed general order, recognizing General Pope and his commissioned officers to be in the position which they have chosen for themselves—that of robbers and murderers, and not that of public enemies, entitled, if captured, to be considered as prisoners of war.

We find ourselves driven by our enemies by steady progress toward a practice which we abhor and which we are vainly struggling to avoid.

Some of the military authorities of the United

States seem to suppose that better success will attend a savage war in which no quarter is to be given, and no age or sex to be spared, than has hitherto been secured by such hostilities as are alone recognized to be lawful by civilized men in modern times.

For the present we renounce our right of retaliation on the innocent, and shall continue to treat the private enlisted soldiers of General Pope's army as prisoners of war, but if, after the notice to the Government at Washington of our confining repressive measures to the punishment only of the commissioned officers who are willing participants in these crimes, these savage practices are continued, we shall be reluctantly forced to the last resort of accepting the war on the terms observed by our foes, until the outraged voice of a common humanity forces a respect for the recognized rules of war.

While these facts would justify our refusal to execute the generous cartel by which we have consented to liberate an excess of thousands of prisoners held by us beyond the number held by the enemy, a sacred regard to plighted faith, shrinking from the mere semblance of breaking a promise, prevents our resort to this extremity.

Nor do we desire to extend to any other forces of the enemy the punishment merited alone by General Pope and the commissioned officers who choose to participate in the execution of his infamous orders.

You are hereby instructed to communicate to the Commander-in-Chief of the United States the contents of this letter, and a copy of the inclosed general order, to the end that he may be notified of our intention not to consider the officers hereafter captured from General Pope's army as prisoners of war.

Very respectfully yours, etc.,

JEFFERSON DAVIS.

To General R. LEE,
Commanding.

• REBEL GENERAL ORDERS, No. 54.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
RICHMOND, August 1, 1862.

First. The following orders are published for the information and observance of all concerned.

Second. Whereas, by a general order dated the twenty-second of July, 1862, issued by the Secretary of War of the United States, under the order of the President of the United States, the military commanders of that Government within the States of Virginia, South-Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and Arkansas are directed to seize and use any property, real or personal, belonging to the inhabitants of this Confederacy, which may be necessary or convenient for their several commands, and no provision is made for any compensation to the owners of private property thus seized and appropriated by the military commands of the enemy.

Third. And whereas, by General Order No. 11, issued by Major-General Pope, commanding the forces of the enemy in Northern Virginia, it is ordered that all commanders of any army corps, di-

visions, brigades, and detached commands, will proceed immediately to arrest all disloyal male citizens within their lines or within their reach in the rear of their respective commands. Such as are willing to take the oath of allegiance to the United States, and shall furnish sufficient security for its observance, will be permitted to remain in their houses, and pursue in good faith their accustomed avocations; those who refuse shall be conducted South beyond the extreme pickets of the army, and be notified that if found again anywhere within our lines, or at any place in the rear, they will be considered spies and subjected to the extreme rigor of military law. If any person, having taken the oath of allegiance as above specified, be found to have violated it, he shall be shot, and his property seized and applied to the public use.

Fourth. And whereas, by an order issued on the thirteenth of July, 1862, by Brigadier-General A. Steinwehr, Major William Steadman, a cavalry officer of his brigade, has been ordered to arrest five of the most prominent citizens of Page County, Virginia, to be held as hostages, and to suffer death in the event of any of the soldiers of said Steinwehr being shot by bushwhackers, by which term are meant the citizens of this Confederacy who have taken up arms to defend their lives and families.

Fifth. And whereas it results from the above orders that some of the military authorities of the United States, not content with the unjust and aggressive warfare hitherto waged with savage cruelty against an unoffending people, and exasperated by the failure of their efforts to subjugate them, have now determined to violate all the rules and usages of war, and to convert the hostilities, hitherto waged against armed forces, into a campaign of robbery and murder against innocent citizens and peaceful tillers of the soil.

Sixth. And whereas this government, bound by the highest obligations of duty to its citizens, is thus driven to the necessity of adopting such just measures of retribution and retaliation as shall seem adequate to repress and punish these barbarities. And whereas the orders above recited have only been published and made known to this government since the signature of a cartel for the exchange of prisoners of war, which cartel, in so far as it provides for an exchange of prisoners hereafter captured, would never have been signed or agreed to by this government, if the intention to change the war into a system of indiscriminate murder and robbery had been made known to it. And whereas a just regard to humanity forbids that the repression of crime, which this government is thus compelled to enforce, should be unnecessarily extended to retaliation on the enlisted men in the army of the United States who may be unwilling instruments of the savage cruelty of their commanders, so long as there is hope that the excesses of the enemy may be checked or prevented by retribution on the commissioned officers, who have the power to avoid guilty action by refusing service un-

der a Government which seeks their aid in the perpetration of such infamous barbarities.

Seventh. Therefore it is ordered that Major-General Pope, Brigadier-General Steinwehr, and all commissioned officers serving under their respective commands, be and they are hereby expressly and especially declared to be not entitled to be considered as soldiers, and therefore not entitled to the benefit of the cartel for the parole of future prisoners of war.

Ordered, further, That in the event of the capture of Major-General Pope or Brigadier-General Steinwehr, or of any commissioned officer serving under them, the captive so taken shall be held in close confinement, so long as the orders herein expressed shall continue in force, and until repealed by the competent military authorities of the United States, and that in the event of the murder of any unarmed citizen or inhabitant of this Confederacy, by virtue or under the pretext of any of the orders hereinbefore recited, whether with or without trial, whether under the pretence of such citizen being a spy or hostage, or any other pretence, it shall be the duty of the commanding general of the forces of this Confederacy to cause immediately to be hung, out of the commissioned officers prisoners as aforesaid, a number equal to the number of our own citizens thus murdered by the enemy.

By order.

S. COOPER,
Adjutant and Inspector-General.

Doc. 65.

THE CONFISCATION BILL.

MESSAGE FROM PRESIDENT LINCOLN.

Fellow-Citizens of the Senate and House of Representatives:

CONSIDERING the bill for an act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels and for other purposes, and the joint resolution explanatory of said act as being substantially one, I have approved and signed both.

Before I was informed of the passage of the resolution, I had prepared the draft of a message stating objections to the bill becoming a law, a copy of which draft is herewith transmitted.

ABRAHAM LINCOLN.

July 17, 1862.

Fellow Citizens of the House of Representatives:

I herewith return to your honorable body, in which it originated, the bill for an act entitled an act to suppress treason and rebellion, to seize and confiscate the property of rebels, and for other purposes, together with my objections to its becoming a law.

There is much in the bill to which I perceive no objection. It is wholly prospective, and it touches neither the person or property of any loyal citizen—in which particular it is just and proper.

The first and second sections provide for the conviction and punishment of persons who shall

be guilty of treason, and the persons who shall incite, set on foot, assist or engage in any rebellion or insurrection against the authority of the United States, or the laws thereof; or shall give aid or comfort to any such existing rebellion or insurrection.

By fair construction the persons within these sections are not to be punished without regular trials in duly constituted courts under the forms and all the substantial provisions of law and of the Constitution applicable to their several cases. To this I perceive no objection, especially as such persons would be within the general pardoning power, and also within the special provision for pardon and amnesty contained in this act. It also provides that the slaves of persons confiscated under these sections shall be free. I think there is an unfortunate form of expression rather than a substantial objection in this. It is starting to say that Congress can free a slave within a State, and yet were it said that the ownership of a slave had first been transferred to the nation, and that Congress had then liberated him, the difficulty would vanish, and this is the real case. The traitor against the General Government forfeits his slave at least as justly as he does any other property, and he forfeits both to the Government against which he offends.

The Government, so far as there can be ownership, owns the forfeited slaves, and the question for Congress in regard to them is, shall they be made free, or sold to new masters? I see no objection to Congress deciding in advance that they shall be free. To the high honor of Kentucky, as I am informed, she has been the owner of some slaves by escheat, and has sold none, but liberated all. I hope the same is true of some other States. Indeed, I do not believe it would be physically possible for the General Government to return persons so circumstanced to actual slavery. I believe there would be physical resistance to it, which would never be turned aside by argument, nor driven away by force. In this view of it I have no objection to this feature of the bill.

Another matter valued in these two sections and running through other parts of the act will be noticed hereafter.

I perceive no objection to the third and fourth sections. So far as I wish to notice the fifth and sixth sections, they may be considered together. That the enforcement of these sections would do no injustice to the persons embraced within them is clear. That those who make a causeless war should be compelled to pay the cost of it, is too obviously just to be called in question. To give Government protection to the property of persons who have abandoned it, and gone on a crusade to overthrow that same Government, is absurd, if considered in the mere light of justice. The severest justice may not always be the best policy. The principle of seizing and appropriating the property of the persons embraced within these sections is certainly not very objectionable, but a justly discriminating application of it would be very difficult, and to a great extent impossible, and would it not be wise to place a power of re-

mission somewhere, so that these persons may know that they have something to save by desisting?

I am not sure whether such power of remission is or is not within section thirteen without a special act of Congress. I think our military commanders, when, in military phrase, they are within the enemy's country, should in an orderly manner seize and keep whatever of real or personal property may be necessary or convenient for their commands, and at the same time preserve in some way the evidence of what they do.

What I have said in regard to slaves while commenting on the first and second sections, is applicable to the ninth, with the difference that no provision is made in the whole act for determining whether a particular individual slave does or does not fall within the class defined within that section. He is to be free upon certain conditions, but whether these conditions do or do not pertain to him, no mode of ascertaining is provided. This could be easily supplied.

To the tenth section I make no objection. The oath therein required seems to be proper, and the remainder of the section is substantially identical with a law already existing.

The eleventh section simply assumes to confer discretionary powers upon the Executive without the law. I have no hesitation to go as far in the direction indicated as I may at any time deem expedient, and I am ready to say now I think it is proper for our military commanders to employ as laborers as many persons of African descent as can be used to advantage.

The twelfth and thirteenth sections are something better—they are unobjectionable—and the fourteenth is entirely proper if all other parts of the act shall stand.

That to which I chiefly object pervades most parts of the act, but more distinctly appears in the first, second, seventh, and eighth sections. It is the sum of those provisions which results in the divesting of title forever. For the causes of treason—the ingredients of treason, but amounting to the full crime—it declares forfeiture extending beyond the lives of the guilty parties, whereas the Constitution of the United States declares that no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted. True, there is to be no formal attainder in this case, still I think the greater punishment cannot be constitutionally inflicted in a different form for the same offence. With great respect, I am constrained to say I think this feature of the act is unconstitutional. It would not be difficult to modify it.

I may remark that the provision of the Constitution, put in language borrowed from Great Britain, applies only in this country, as I understand, to real estate.

Again, this act, by proceedings *in rem*, forfeits property for the ingredients of treason without a conviction of the supposed criminal, or a personal hearing given him in any proceeding. That we may not touch property lying within our

reach because we cannot give personal notice to an owner who is absent endeavoring to destroy the Government, is certainly not very satisfactory. Still the owner may not be thus engaged, and I think a reasonable time should be provided for such parties to appear and have personal hearings. Similar provisions are not uncommon in connection with proceedings *in rem*.

For the reasons stated, I return the bill to the House, in which it originated.

Doc. 66.

REBEL GUERRILLA WARFARE.

OFFICIAL CORRESPONDENCE.

SPOTSWOOD HOTEL, RICHMOND, VA., July 15.

Hon. George W. Randolph, Secretary of War:

SIR: I respectfully desire to know from you whether the several partisan corps of rangers, now organized or that may be organized in the several States of the Confederacy, are to be regarded as part of the army of the Confederacy, and protected by the government as such; and whether, if any of said corps are captured in battle, or otherwise, while in the line of their duty, by the enemy, this government will claim for them the same treatment, as prisoners of war, which is now exacted for prisoners belonging to our provisional army?

Are not all corps of partisan rangers, organized by your authority, emphatically a part of the confederate army, and will they not be regarded and treated as such?

I consider that it is not only the right, but the duty of every loyal citizen of the confederate States to resist, by all means in his power, even to the death, if necessary, the attempt of the enemy in a body or singly to invade his domicile or to capture his person, or that of his wife, child, ward, or servant, or to take from him against his will any of his property; and if, in making such a resistance, whether armed or not, our citizens are captured by such invading enemy, have they not the right to demand to be treated by the enemy as other prisoners of war? and will not this government exert all its power, if necessary, to the end that its citizens are thus protected and treated?

This is a war waged against the sovereignty of the several States of the Confederacy, and against the lives, liberty, and property of every citizen yielding allegiance to the States and government of their choice, in which they reside. Such a war has no parallel in the history of Christian nations.

I respectfully request you to give me your opinions on the several points in this letter, in a form to be submitted to my constituents, to enlighten them in regard to the extent of their rights and powers, as viewed by this government; and how far their government will protect them in the exercise of those rights, which, to an intelligent freeman, are dearer than life itself.

Your early answer is respectfully requested.

With great respect, JOHN B. CLARKE.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
RICHMOND, VA., July 16, 1862.

Hon. John B. Clarke, C. S. Senate:

SIR: I have the honor to acknowledge the receipt of your letter of the fifteenth instant, and to reply that partisan rangers are a part of the provisional army of the confederate States, subject to all the regulations adopted for its government, and entitled to the same protection as prisoners of war. Partisan rangers are in no respect different from troops of the line, except that they are not brigaded, and are employed oftener on detached service. They require stricter discipline than other troops to make them efficient, and, without discipline, they become a terror to their friends, and are contemptible in the eyes of the enemy.

With reference to your inquiry as to the protection which the government will extend to private citizens taken in hostile acts against the enemy, it is not easy to lay down a general rule.

War, as conducted by civilized nations, is usually a contest between the respective governments of the belligerents, and private individuals, remaining quietly at home, are respected in their rights of person and property. In return for this privilege, they are expected to take no part in hostilities, unless called on by their government.

If, however, in violation of this usage, private citizens of Missouri should be oppressed and maltreated by the public enemy, they have unquestionably a right to take up arms in their own defence; and if captured and confined by the enemy under such circumstances, they are entitled, as citizens of the confederate States, to all the protection which that government can afford; and among the measures to which it may be useful to resort is that of the *lex talionis*.

We shall deplore the necessity of retaliation, as adding greatly to the miseries of the war, without advancing its objects; and, therefore, we shall act with great circumspection, and only upon facts clearly ascertained. But if it is our only means of compelling the observance of the usages of civilized warfare, we cannot hesitate to resort to it when the proper time arrives.

Very respectfully, your obed't servant,

GEORGE W. RANDOLPH,
Secretary of War.

Doc. 67.

SPEECH OF ROBERT TOOMBS,

DELIVERED BEFORE THE LEGISLATURE OF GEORGIA,
NOVEMBER, 1860.*

GENTLEMEN OF THE GENERAL ASSEMBLY: I very much regret, in appearing before you at your request, to address you on the present state of the country, and the prospect before us, that I can bring you no good tidings. The stern, steady march of events has brought us in conflict with our non-slaveholding confederates upon the fundamental principles of our compact of Union.

*See Speech of Alexander H. Stephens, Nov. 14, 1860, R. R. Vol. I.

We have not sought this conflict; we have sought too long to avoid it; our forbearance has been construed into weakness, our magnanimity into fear, until the vindication of our manhood, as well as the defence of our rights, is required at our hands. The door of conciliation and compromise is finally closed by our adversaries, and it remains only to us to meet the conflict with the dignity and firmness of men worthy of freedom. We need no declaration of independence. Above eighty-four years ago our fathers won that by the sword from Great Britain, and above seventy years ago Georgia, with the twelve other confederates, as free, sovereign, and independent States, having perfect governments already in existence, for purposes and objects clearly expressed, and with powers clearly defined, erected a common agent for the attainment of these purposes by the exercise of those powers, and called this agent the United States of America.

The basis, the corner-stone of this Government, was the perfect equality of the free, sovereign, and independent States which made it. They were unequal in population, wealth, and territorial extent—they had great diversities of interests, pursuits, institutions, and laws; but they had common interests, mainly exterior, which they proposed to protect by this common agent—a constitutional united government—without in any degree subjecting their inequalities and diversities to Federal control or action. Peace and commerce with foreign nations could be more effectually and cheaply cultivated by a common agent; therefore they gave the Federal Government the sole management of our relations with foreign governments. The conflicts of interests and the passions of rulers and people bring wars—their effectual prosecution and the common defence could be more certainly and cheaply attained by putting the power of each under the control of a common agent; hence the power of peace and war was given to the Government. These powers made armies, navies, and foreign agents necessary—these could only be maintained by a common treasury. Besides, we had a large debt, contracted at home and abroad in our War of Independence; therefore the great power of taxation was conferred upon this Government. Conflicting commercial regulations of the different States shackled and diminished both foreign and domestic trade; hence the power to regulate commerce was conferred. We had a large common domain, already added by the several States for the common benefit of all; purchase and war might make large additions to this common domain; hence the power over existing and future territories, with the stipulation to admit new States, was conferred. Being independent States, in such close proximity, acts seriously affecting the tranquillity of some might be done by others; fugitives from labor and justice in one might seek sanctuary in others, producing strife, and bloodshed, and insecurity; therefore the power was conferred in the common agent, and the duty imposed by the compact upon each confederate to remedy these evils. These were the main objects for

forming the Federal Government; the powers it possesses were conferred chiefly with the view of securing them. How have these great duties been discharged by the Federal Government and by our confederates?

The Executive Department of the Federal Government, for forty-eight out of the first sixty years under the present Constitution, was in the hands of Southern Presidents, and so just, fair, and equitable, constitutional and advantageous to the country was the policy which they pursued, that their policy and administrations were generally maintained by the people. Certainly there was no just cause of complaint from the Northern States—no advantage was ever sought or obtained by them for their section of the Republic. They never sought to use a single one of the powers of the Government for the advancement of the local or peculiar interests of the South, and they all left office without leaving a single law on the statute-book where repeal would have affected injuriously a single industrial pursuit, or the business of a single human being in the South. But on the contrary, they had acquiesced in the adoption of a policy in the highest degree beneficial to Northern interests. The principles and policy of these Presidents were marked by the most enlarged and comprehensive statesmanship, promoting the highest interests of the Republic. They enlarged the domains of commerce by treaties with all nations, upon the great principle of equal justice to all nations, and special favors to none. They protected commerce and trade with an efficient navy in every sea. Mr. Jefferson acquired Louisiana, extending from the Balize to the British possessions on the north, and from the Mississippi to the Pacific Ocean—a country larger than the whole United States at the time of the acknowledgment of their independence. He guaranteed the protection of the Federal Government by treaty to all the inhabitants of the purchased territory, in their lives, liberties, property and religion—sanctioned by law the right of all the people of the United States to emigrate into the territory with all of their property of every kind, (expressly including slaves,) to build up new States, and to come into the Union with such constitutions as they might choose to make. Mr. Madison vindicated the honor of the nation, maintained the security of commerce, and the inviolability of the persons of our sailors, by the war of 1812. Mr. Monroe acquired Florida from Spain, extending the same guarantee to the inhabitants which Mr. Jefferson had to those of Louisiana. General Jackson compelled France, and other nations of Europe, to do long deferred justice to our plundered merchants. Mr. Tyler acquired Texas by voluntary compact, and Mr. Polk California and New-Mexico by successful war. In all their grand additions to the wealth and power of the Republic, these statesmen neither asked nor sought any advantage for their own section; they admitted they were common acquisitions, purchased by the common blood and treasure, and for the common benefit of the people of the Republic, with-

out reference to locality or institutions. Neither these statesmen nor their constituents sought in any way to use the Government for the interest of themselves or their section, or for the injury of a single member of the Confederacy. We can to-day open wide the history of their administrations and point with pride to every act, and challenge the world to point out a single act stained with injustice to the North, or with partiality to their own section. This is our record; let us now examine that of our confederates.

The instant the Government was organized, at the very first Congress, the Northern States evinced a general desire and purpose to use it for their own benefit, and to pervert its powers for sectional advantage, and they have steadily pursued that policy to this day. They demanded a monopoly of the business of ship-building, and got a prohibition against the sale of foreign ships to citizens of the United States, which exists to this day.

They demanded a monopoly of the coasting trade, in order to get higher freights than they could get in open competition with the carriers of the world. Congress gave it to them, and they yet hold this monopoly. And now, to-day, if a foreign vessel in Savannah offer to take your rice, cotton, grain or lumber to New-York, or any other American port, for nothing, your laws prohibit it, in order that Northern ship-owners may get enhanced prices for doing your carrying. This same shipping interest, with cormorant rapacity, have steadily burrowed their way through your legislative halls, until they have saddled the agricultural classes with a large portion of the legitimate expenses of their own business. We pay a million of dollars per annum for the lights which guide them into and out of your ports. We built and kept up, at the cost of at least another million a year, hospitals for their sick and disabled seamen, when they wear them out and cast them ashore. We pay half a million per annum to support and bring home those they cast away in foreign lands. They demand, and have received, millions of the public money to increase the safety of harbors, and lessen the danger of navigating our rivers. All of which expenses legitimately fall upon their business, and should come out of their own pockets, instead of a common treasury.

Even the fishermen of Massachusetts and New-England demand and receive from the public treasury about half a million of dollars per annum as a pure bounty on their business of catching codfish. The North, at the very first Congress, demanded and received bounties under the name of protection, for every trade, craft, and calling which they pursue, and there is not an artisan in brass, or iron, or wood, or weaver, or spinner in wool or cotton, or a calico-maker, or iron-master, or a coal-owner, in all of the Northern or Middle States, who has not received what he calls the protection of his government on his industry to the extent of from fifteen to two hundred per cent from the year 1791 to this day. They will not strike a blow, or stretch a muscle, without

bounties from the government. No wonder they cry aloud for the glorious Union; they have the same reason for praising it, that craftsmen of Ephesus had for shouting, "Great is Diana of the Ephesians," whom all Asia and the world worshipped. By it they got their wealth; by it they levy tribute on honest labor. It is true that this policy has been largely sustained by the South; it is true that the present tariff was sustained by an almost unanimous vote of the South; but it was a reduction—a reduction necessary from the plethora of the revenue; but the policy of the North soon made it inadequate to meet the public expenditure, by an enormous and profligate increase of the public expenditure; and at the last session of Congress they brought in and passed through the House the most atrocious tariff bill that ever was enacted, raising the present duties from twenty to two hundred and fifty per cent above the existing rates of duty. That bill now lies on the table of the Senate. It was a master stroke of abolition policy; it united cupidity to fanaticism, and thereby made a combination which has swept the country. There were thousands of protectionists in Pennsylvania, New-Jersey, New-York, and in New-England, who were not abolitionists. There were thousands of abolitionists who were free traders. The mongers brought them together upon a mutual surrender of their principles. The free-trade abolitionists became protectionists; the non-abolition protectionists became abolitionists. The result of this coalition was the infamous Morrill bill—the robber and the incendiary struck hands, and united in joint raid against the South.

Thus stands the account between the North and the South. Under its ordinary and most favorable action, bounties and protection to every interest and every pursuit in the North, to the extent of at least fifty millions per annum, besides the expenditure of at least sixty millions out of every seventy of the public expenditure among them, thus making the treasury a perpetual fertilizing stream to them and their industry, and a suction-pump to drain away our substance and parch up our lands.

With these vast advantages, ordinary and extraordinary, one would have supposed the North would have been content, and would have at least respected the security and tranquillity of such obedient and profitable brethren; but such is not human nature. They despised the patient victims of their avarice, and they very soon began a war upon our political rights and social institutions, marked by every act of perfidy and treachery which could add a darker hue to such a warfare. In 1820, the Northern party, (and I mean by that term now and whenever else it is used, or its equivalent, in these remarks, the Anti-slavery or Abolition party of the North,) endeavored to exclude the State of Missouri from admission into the Union, because she chose to protect African slavery in the new State. In the House, where they had a majority, they rejected her application, and a struggle ensued, when some half a dozen of Northern men gave way, and admitted

the State, but upon condition of the exclusion of slavery from all that country, acquired from France by the treaty of 1802, lying north of thirty-six degrees thirty minutes, north latitude, and outside of the State of Missouri. This act of exclusion violated the express provisions of the treaty of 1802, to which the National faith was pledged; violated the well-settled policy of the Government, at least from Adams's administration to that day, and has, since slavery was adjudicated by the Supreme Court of the United States, violated the Constitution itself. When we acquired California and New-Mexico this party, scorning all compromises and all concessions, demanded that slavery should be forever excluded from them, and all other acquisitions of the Republic, either by purchase or conquest, forever. This position of this Northern party brought about the troubles of 1850, and the political excitement of 1854. The South at all times demanded nothing but equality in the common territories, equal enjoyment of them with their property, to that extended to Northern citizens and their property—nothing more. They said, we pay our part in all the blood and treasure expended in their acquisition. Give us equality of enjoyment, equal right to expansion—it is as necessary to our prosperity as yours. In 1790 we had less than eight hundred thousand slaves. Under our mild and humane administration of the system they have increased above four millions. The country has expanded to meet this growing want, and Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Kentucky, Tennessee, and Missouri, have received this increasing tide of African labor; before the end of this century, at precisely the same rate of increase, the Africans among us in a subordinate condition will amount to eleven millions of persons. What shall be done with them? We must expand or perish. We are constrained by an inexorable necessity to accept expansion or extermination. Those who tell you that the territorial question is an abstraction, that you can never colonize another territory without the African slave-trade, are both deaf and blind to the history of the last sixty years. All just reasoning, all past history, condemn the fallacy. The North understand it better—they have told us for twenty years that their object was to pen up slavery within its present limits—surround it with a border of free States, and like the scorpion surrounded with fire, they will make it sting itself to death. One thing at least is certain, that whatever may be the effect of your exclusion from the Territories, there is no dispute but that the North mean it, and adopt it as a measure hostile to slavery upon this point. They all agree, they are unanimous in Congress, in the States, on the rostrum, in the sanctuary—everywhere they declare that slavery shall not go into the Territories. They took up arms to drive it out of Kansas; and Sharpe's rifles were put into the hands of assassins by Abolition preachers to do their work. Are they mistaken? No; they are not. The party put it into their platform at Philadelphia—they have it in

S. D. 23.

the corner-stone of their Chicago platform; Lincoln is on it—pledged to it. Hamlin is on it, and pledged to it; every Abolitionist in the Union, in or out of place, is openly pledged, in some manner, to drive us from the common Territories. This conflict, at least, is irrepressible—it is easily understood—we demand the equal right with the North to go into the common Territories with all of our property, slaves included, and to be there protected in its peaceable enjoyment by the Federal Government, until such Territories may come into the Union as equal States—then we admit them with or without slavery, as the people themselves may decide for themselves. Will you surrender this principle? The day you do this base, unmanly deed, you embrace political degradation and death.

But this is only one of the points of the case; the North agreed to deliver up fugitives from labor. In pursuance of this clause of the Constitution, Congress, in 1797, during Washington's administration, passed a Fugitive Slave law; that act never was faithfully respected all over the North, but it was not obstructed by State legislation until within the last thirty years; but the spirit of hostility to our rights became more active and determined, and in 1850 that act was found totally insufficient to recover and return fugitives from labor; therefore the act of 1850 was passed. The passage of that act was sufficient to rouse the demon of abolition all over the North. The pulpit, the press, abolition societies, popular assemblages, belched forth nothing but imprecations and curses upon the South and the honest men of the North who voted to maintain the Constitution. And thirteen States of the Union, by the most solemn acts of legislation, wilfully, knowingly, and corruptly perjured themselves and annulled this law within their respective limits. I say wilfully, knowingly, and corruptly. The Constitution is plain—it was construed in 1793 by Washington and the Second Congress. In the Senate, the bill for the rendition of fugitives was unanimously passed, and nearly unanimously passed by the House of Representatives, and signed by Washington. All the courts of the United States, Federal and State, from the Supreme Court of the United States to the Justice Courts of all the States whose actions have ever come under my notice, construed this Constitution to mean and intend the rendition of fugitive slaves by law of Congress, which might be aided, not thwarted, by State legislation, until the decision of the Supreme Court of Wisconsin held otherwise, and that decision was unanimously overruled by Northern and Southern judges in the Supreme Court, and which Court, in the same case, unanimously affirmed the constitutionality of the act of 1850. But these acts were not only annulled by the abolition Legislatures, but annulled under circumstances of atrocity and aggravation unknown to the legislation of any civilized people in the world. Some of them punish us with penitentiary punishment as felons for even claiming our own slaves within their limits, even by his own

consent; others by ingenious contrivances prevent the possibility of your sustaining your rights in their limits, where they seek to compel you to go, and then punish you by fine and infamous punishments for asserting your rights and failing to get them. This is the fidelity of our brethren (!) to their plighted faith—their oft-repeated oaths! Yet some excellent people among us want some more of such securities for our rights, our peace, and security. God Almighty have mercy on these poor people, if they listen to such counsellors. No arm of flesh can save them. Another one of our guarantees in the Constitution was, that fugitives from justice, committing crimes in one State and fleeing to another, should be delivered up by the State into which they might flee to the authorities of the State from whence they fled and where the crime was committed. This constitutional principle is nothing more than the law of nations necessary to the security and tranquillity of sovereignty, and so universally respected and acknowledged that we have treaties with all civilized nations by which that duty is mutually secured in all high crimes, (political excepted,) and it is every day executed by us and for us under their treaties. But as early as 1837 or 1838 two citizens of Maine came to Savannah, stole a slave, fled to Maine, and two successive Governors refused to deliver up the culprits, the real grievance being that they had only stolen slaves—a pious work, rather to be encouraged than punished. Georgia demanded, remonstrated, threatened, and submitted to the wrong.

It is true the Legislature authorized the Governor to call a convention of the people to take into consideration the mode of redress. But what are called moderate, wise counsels prevailed. Excellent conservative—ay, that's the word—conservative men advised us not to disturb the glorious Union about so small a matter; we submitted, and submission brought its legitimate fruits. Within a year or two after, a similar case occurred with New-York, while Seward was Governor. He refused, and attempted to cover himself under the idea that there could be no property in slaves. Virginia made the same demand on him, with like results and like submission; and from that day to this that constitutional right has been practically surrendered in the case of negro-stealing. But our Northern brethren, having in this case, as in all others, gained an inch, demanded an ell. We still fancied that if this provision of the Constitution would no longer protect our property, it would protect our lives. Vain and foolish hope! Last year John Brown made a raid on Virginia. He went with torch and rifle, with the purpose of subverting her government, exciting insurrection among her slaves, and murdering her peaceable inhabitants; he succeeded only in committing murder and arson and treason. One of his accomplices (a son) escaped to Ohio, was demanded, and the Governor of Ohio refused to give him up; another fled to Iowa; he, too, was demanded, and refused. It is true both of these miscreants (the Governors

of these States) attempted to cover their plain violation of the Constitution and their oaths with flimsy pretexts about formalities, but they failed to hide from us the great fact that it was sympathy with the cause of John Brown which gave sanctuary to his confederates. If these men had have fled to Great Britain or France, we would have received them back and inflicted upon them the just punishment for their infamous crimes under our treaties. But they were wiser; they fled among our brethren; we had no treaty with them; we had only a Constitution and their oaths of fidelity to it. It failed us, and their murderers are free, ready again to apply the incendiary's torch to your dwelling and the assassin's knife and the poisoned bowl to you and your family. Do you not love these brethren? Oh! what a glorious Union! especially "to insure domestic tranquillity."

I have shown you what this party has done, and declared in the national councils, in the State Legislatures, by and through their executive departments. Let us examine what they are at as private citizens. By the laws of nations, founded on natural justice, no nation, nor the subjects or citizens of any nation, have the right to disturb the peace or security of any other nation or people, much less to conspire, excite insurrection, discontent, or the commission of crimes among them, and all these are held to be good causes of war. For twenty years this party has, by Abolition societies, by publications made by them, by the public press, through the pulpit and their own legislative halls, and every effort—by reproaches, by abuse, by vilification, by slander—to disturb our security, our tranquillity—to excite discontent between the different classes of our people, and to excite our slaves to insurrection. No nation in the world would submit to such conduct from any other nation. I will not willingly do so from this Abolition party. I demand the protection of my State government, to whom I own my allegiance. I wish it distinctly understood that it is the price of my allegiance. You are here, constitutional legislators—I make the demand to-day of you. Gentlemen, I have thus shown you the violations of our constitutional rights by our confederates; I have shown you that they are plain, palpable, deliberate, and dangerous; that they are committed by the executive, legislative, and judicial departments of the State governments of our confederates—that all their wrongs are approved by the people of these States. I say the time has come to redress these acknowledged wrongs, and to avert even greater evils, of which these are but the signs and symbols. But I am asked, why do you demand action now? The question is both appropriate and important; it ought to be frankly met. The Abolitionists say you are raising a clamor because you were beaten in the election. The falsity of this statement needs no confirmation. Look to our past history for its refutation. Some excellent citizens and able men in Georgia say the election of any man constitutionally is no cause for a dissolution of the Union. That po-

sition is calculated only to mislead, and not to enlighten. It is not the issue. I say the election of Lincoln, with all of its surroundings, is sufficient. What is the significance of his election? It is the indorsement, by the non-slaveholding States, of all those acts of aggression upon our rights by all these States, legislatures, governors, judges, and people. He is elected by the perpetrators of these wrongs with the purpose and intent to aid and support them in wrong-doing.

Hitherto the Constitution has had on its side the Federal Executive, whose duty it is to execute the laws and Constitution against these malefactors. It has earnestly endeavored to discharge that duty. Relying upon its power and good faith to remedy these wrongs, we have listened to conservative counsels, trusting to time, to the Federal Executive, and to a returning sense of justice in the North. The Executive has been faithful—the Federal judiciary have been faithful—the President has appointed sound judges, sound marshals, and other subordinate officers to interpret and to execute the laws. With the best intentions, they have all failed—our property has been stolen, our people murdered; felons and assassins have found sanctuary in the arms of the party which elected Mr. Lincoln. The Executive power, the last bulwark of the Constitution to defend us against these enemies of the Constitution, has been swept away, and we now stand without a shield, with bare bosoms presented to our enemies, and we demand at your hands the sword for our defence, and if you will not give it to us, we will take it—take it by the divine right of self-defence, which governments neither give nor can take away. Therefore, redress for past and present wrongs demands resistance to the rule of Lincoln and his Abolition horde over us; he comes at their head to shield and protect them in the perpetration of these outrages upon us, and, what is more, he comes at their head to aid them in consummating their avowed purposes by the power of the Federal Government. Their main purpose, as indicated by all their acts of hostility to slavery, is its final and total abolition. His party declare it; their acts prove it. He has declared it; I accept his declaration. The battle of the irrepressible conflict has hitherto been fought on his side alone. We demand service in this war. Surely no one will deny that the election of Lincoln is the indorsement of the policy of those who elected him, and an indorsement of his own opinions. The opinions of those who elected him are to be found in their solemn acts under oath—in their State governments, indorsed by their constituents. To them I have already referred. They are also to be found in the votes of his supporters in Congress—also indorsed by the party, by their return. Their opinions are to be found in the speeches of Seward, and Sumner, and Lovejoy, and their associates and confederates in the two Houses of Congress. Since the promotion of Mr. Lincoln's party, all of them speak with one voice, and speak trumpet-tongued their fixed purpose to outlaw four thousand mil-

lions of our property in the Territories, and to put it under the ban of the empire in the States where it exists. They declare their purpose to war against slavery until there shall not be a slave in America, and until the African is elevated to a social and political equality with the white man. Lincoln indorses them and their principles, and in his own speeches declares the conflict irrepressible and enduring, until slavery is everywhere abolished.

Hitherto they have carried on this warfare by State action, by individual action, by appropriation, by the incendiary's torch and the poisoned bowl. They were compelled to adopt this method because the Federal executive and the Federal judiciary were against them. They will have possession of the Federal executive with its vast power, patronage, prestige of legality, its army, its navy, and its revenue on the fourth of March next. Hitherto it has been on the side of the Constitution and the right; after the fourth of March it will be in the hands of your enemy. Will you let him have it? (Cries of "No, no. Never.") Then strike while it is yet to-day. Withdraw your sons from the army, from the navy, and every department of the Federal public service. Keep your own taxes in your own coffers—buy arms with them and throw the bloody spear into this den of incendiaries and assassins, and let God defend the right. But you are advised to wait, send soft messages to their brethren, to beg them to relent, to give you some assurances of their better fidelity for the future. What more can you get from them under this Government? You have the Constitution—you have its exposition by themselves for seventy years—you have their oaths—they have broken all these, and will break them again. They tell you everywhere, loudly and defiantly, you shall have no power, no security until you give up the right of governing yourselves according to your own will—until you submit to theirs. For this is the meaning of Mr. Lincoln's irrepressible conflict—this is his emphatic declaration to all the world. Will you heed it? For myself, like the Athenian ambassador, I will take no security but this, that it shall not be in the power of our enemies to injure my country if they desire it. Nothing but ruin will follow delay. The enemy on the fourth of March will intrench himself behind a quintuple wall of defence. Executive power, judiciary, (Mr. Seward has already proclaimed its reformation,) army, navy, and treasury. Twenty years of labor, and toil, and taxes all expended upon preparation, would not make up for the advantage your enemies would gain if the rising sun on the fifth of March should find you in the Union. Then strike while it is yet time.

But we are told that secession would destroy the fairest fabric of liberty the world ever saw, and that we are the most prosperous people in the world under it. The arguments of tyranny as well as its acts, always reëact themselves. The arguments I now hear in favor of this Northern connection are identical in substance, and almost in the same words as those which were

used in 1775 and 1776 to sustain the British connection. We won liberty, sovereignty, and independence by the American Revolution—we endeavored to secure and perpetuate these blessings by means of our Constitution. The very men who use these arguments admit that this Constitution, this compact, is violated, broken and trampled under foot by the abolition party. Shall we surrender the jewels because their robbers and incendiaries have broken the casket? Is this the way to preserve liberty? I would as lief surrender it back to the British crown as to the abolitionists. I will defend it from both. Our purpose is to defend those liberties. What baser fate could befall us or this great experiment of free government than to have written upon its tomb: "Fell by the hands of abolitionists and the cowardice of its natural defenders." If we quail now, this will be its epitaph.

We are said to be a happy and prosperous people. We have been, because we have hitherto maintained our ancient rights and liberties—we will be until we surrender them. They are in danger; come, freemen, to the rescue. If we are prosperous, it is due to God, ourselves, and the wisdom of our State government. We have an executive, legislative, and judicial department at home, possessing and entitled to the confidence of the people. I have already vainly asked for the law of the Federal Government that promotes our prosperity. I have shown you many that retard that prosperity—many that drain our coffers for the benefit of our bitterest foes. I say bitterest foes—show me the nation in the world that hates, despises, vilifies, or plunders us like our abolition "brethren" in the North. There is none. I can go to England or France, or any other country in Europe with my slave, without molestation or violating any law. I can go anywhere except in my own country, whilom called "the glorious Union;" here alone am I stigmatized as a felon; here alone am I an outlaw; here alone am I under the ban of the empire; here alone I have neither security nor tranquillity; here alone are organized governments ready to protect the incendiary, the assassin who burns my dwelling or takes my life or those of my wife and children; here alone are hired emissaries paid by brethren to glide through the domestic circle and intrigue insurrection with all of its nameless horrors. My countrymen, "if you have nature in you, bear it not." Withdraw yourselves from such a confederacy; it is your right to do so—your duty to do so. I know not why the abolitionists should object to it, unless they want to torture and plunder you. If they resist this great sovereign right, make another war of independence, for that then will be the question; fight its battles over again—reconquer liberty and independence. As for me, I will take any place in the great conflict for rights which you may assign. I will take none in the Federal Government during Mr. Lincoln's administration.

If you desire a Senator after the fourth of March, you must elect one in my place. I have served you in the State and national councils for nearly

a quarter of a century without once losing your confidence. I am yet ready for the public service, when honor and duty call. I will serve you anywhere where it will not degrade and dishonor my country. Make my name infamous forever, if you will, but save Georgia. I have pointed out your wrongs, your danger, your duty. You have claimed nothing but that rights be respected and that justice be done. Emblazon it on your banner—fight for it, win it, or perish in the effort.

Doc. 68.

PRESIDENT LINCOLN'S APPEAL TO THE BORDER STATES.

THE Representatives and Senators of the Border Slaveholding States having, by special invitation of the President, been convened at the Executive Mansion on Saturday morning, July twelfth, 1862, Mr. Lincoln addressed them as follows from a written paper held in his hand:

GENTLEMEN: After the adjournment of Congress, now near, I shall have no opportunity of seeing you for several months. Believing that you of the Border States hold more power for good than any other equal number of members, I feel it a duty which I cannot justifiably waive to make this appeal to you.

I intend no reproach or complaint when I assure you that, in my opinion, if you all had voted for the resolution in the gradual emancipation message of last March, the war would now be substantially ended. And the plan therein proposed is yet one of the most potent and swift means of ending it. Let the States which are in rebellion see definitely and certainly that in no event will the States you represent ever join their proposed Confederacy, and they cannot much longer maintain the contest. But you cannot divest them of their hope to ultimately have you with them so long as you show a determination to perpetuate the institution within your own States. Beat them at elections, as you have overwhelmingly done, and, nothing daunted, they still claim you as their own. You and I know what the lever of their power is. Break that lever before their faces, and they can shake you no more for ever.

Most of you have treated me with kindness and consideration, and I trust you will not now think I improperly touch what is exclusively your own, when, for the sake of the whole country, I ask, "Can you, for your States, do better than to take the course I urge?" Discarding *punctilio* and maxims adapted to more manageable times, and looking only to the unprecedentedly stern facts of our case, can you do better in any possible event? You prefer that the constitutional relations of the States to the nation shall be practically restored without disturbance of the institution; and, if this were done, my whole duty in this respect, under the Constitu-

tion and my oath of office, would be performed. But it is not done, and we are trying to accomplish it by war. The incidents of the war cannot be avoided. If the war continues long, as it must if the object be not sooner attained, the institution in your States will be extinguished by mere friction and abrasion—by the mere incidents of the war. It will be gone, and you will have nothing valuable in lieu of it. Much of its value is gone already. How much better for you and for your people to take the step which at once shortens the war, and secures substantial compensation for that which is sure to be wholly lost in any other event! How much better to thus save the money which else we sink for ever in the war! How much better to do it while we can, lest the war ere long render us pecuniarily unable to do it! How much better for you as seller, and the nation, as buyer, to sell out and buy out that without which the war could never have been, than to sink both the thing to be sold and the price of it, in cutting one another's throats.

I do not speak of emancipation at once, but of a decision at once to emancipate gradually. Room in South-America for colonization can be obtained cheaply and in abundance, and when numbers shall be large enough to be company and encouragement for one another, the freed people will not be so reluctant to go.

I am pressed with a difficulty not yet mentioned—one which threatens division among those who, united, are none too strong. An instance of it is known to you. General Hunter is an honest man. He was, and I hope still is, my friend. I valued him none the less for his agreeing with me in the general wish that all men everywhere could be freed. He proclaimed all men free within certain States, and I repudiated the proclamation. He expected more good and less harm from the measure than I could believe would follow. Yet, in repudiating it, I gave dissatisfaction, if not offence, to many whose support the country cannot afford to lose. And this is not the end of it. The pressure in this direction is still upon me and is increasing. By conceding what I now ask you can relieve me, and, much more, can relieve the country in this important point.

Upon these considerations I have again begged your attention to the Message of March last. Before leaving the Capitol, consider and discuss it among yourselves. You are patriots and statesmen, and as such I pray you consider this proposition; and at the least commend it to the consideration of your States and people. As you would perpetuate popular government for the best people in the world, I beseech you that you do in no wise omit this. Our common country is in great peril, demanding the loftiest views and boldest action to bring a speedy relief. Once relieved, its form of government is saved to the world; its beloved history and cherished memories are vindicated, and its happy future fully assured and rendered inconceivably grand. To you, more than to any others, the privilege is

given to assure that happiness and swell that grandeur, and to link your own names therewith forever.

At the conclusion of these remarks some conversation was had between the President and several members of the delegations from the Border States, in which it was represented that these States could not be expected to move in so great a matter as that brought to their notice in the foregoing address, while as yet Congress had taken no step beyond the passage of a resolution, expressive rather of a sentiment than presenting a substantial and reliable basis of action.

The President acknowledged the force of this view, and admitted that the Border States were entitled to expect a substantial pledge of pecuniary aid as the condition of taking into consideration a proposition so important in its relations to their social system.

It was further represented, in the Conference, that the people of the Border States were interested in knowing the great importance which the President attached to the policy in question, while it was equally due to the country, to the President, and to themselves, that the Representatives of the Border Slaveholding States should publicly announce the motives under which they were called to act, and the considerations of public policy urged upon them and their constituents by the President.

With a view to such a statement of their position, the members thus addressed met in council to deliberate on the reply they should make to the President, and, as the result of a comparison of opinions among themselves, they determined upon the adoption of a majority and a minority answer.

REPLY OF THE MAJORITY.

The following paper was on the thirteenth of July, sent to the President.

WASHINGTON, July 14, 1862.

To the President:

The undersigned, Representatives of Kentucky, Virginia, Missouri, and Maryland, in the two Houses of Congress, have listened to your address with the profound sensibility naturally inspired by the high source from which it emanates, the earnestness which marked its delivery, and the overwhelming importance of the subject of which it treats. We have given it a most respectful consideration, and now lay before you our response. We regret that want of time has not permitted us to make it more perfect.

We have not been wanting, Mr. President, in respect to you, and in devotion to the Constitu-

tion and the Union. We have not been indifferent to the great difficulties surrounding you, compared with which all former national troubles have been but as the summer-cloud; and we have freely given you our sympathy and support. Repudiating the dangerous heresies of the secessionists, we believed, with you, that the war on their part is aggressive and wicked, and the objects for which it was to be prosecuted on ours, defined by your message at the opening of the present Congress, to be such as all good men should approve, we have not hesitated to vote all supplies necessary to carry it on vigorously. We have voted all the men and money you have asked for, and even more; we have imposed onerous taxes on our people, and they are paying them with cheerfulness and alacrity; we have encouraged enlistments and sent to the field many of our best men; and some of our number have offered their persons to the enemy as pledges of their sincerity and devotion to the country. We have done all this under the most discouraging circumstances, and in the face of measures most distasteful to us and injurious to the interests we represent, and in the hearing of doctrines avowed by those who claim to be your friends, which must be abhorrent to us and our constituents. But, for all this, we have never faltered, nor shall we as long as we have a Constitution to defend and a Government which protects us. And we are ready for renewed efforts, and even greater sacrifices, yea, any sacrifice, when we are satisfied it is required to preserve our admirable form of government and the priceless blessings of constitutional liberty.

A few of our number voted for the resolution recommended by your message of the sixth of March last, the greater portion of us did not, and we will briefly state the prominent reasons which influenced our action.

In the first place, it proposed a radical change of our social system, and was hurried through both Houses with undue haste, without reasonable time for consideration and debate, and with no time at all for consultation with our constituents, whose interests it deeply involved. It seemed like an interference by this Government with a question which peculiarly and exclusively belonged to our respective States, on which they had not sought advice or solicited aid. Many of us doubted the constitutional power of this Government to make appropriations of money for the object designated, and all of us thought our finances were in no condition to bear the immense outlay which its adoption and faithful execution would impose upon the National Treasury. If we pause but a moment to think of the debt its acceptance would have entailed, we are appalled by its magnitude. The proposition was addressed to all the States, and embraced the whole number of slaves. According to the census of 1860, there were then very nearly four million slaves in the country; from natural increase they exceed that number now. At even the low average of three hundred dollars, the price fixed by the Emancipation Act for the slaves of this

District, and greatly below their real worth, their value runs up to the enormous sum of one billion two hundred million dollars; and if to that we add the cost of deportation and colonization, at one hundred dollars each, which is but a fraction more than is actually paid by the Maryland Colonization Society, we have four hundred million dollars more! We were not willing to impose a tax on our people sufficient to pay the interest on that sum, in addition to the vast and daily increasing debt already fixed upon them by the exigencies of the war; and, if we had been willing, the country could not bear it. Stated in this form the proposition is nothing less than the deportation from the country of one billion six hundred million dollars' worth of producing labor, and the substitution in its place of an interest-bearing debt of the same amount!

But, if we are told that it was expected that only the States we represent would accept the proposition, we respectfully submit that even then it involves a sum too great for the financial ability of this Government at this time. According to the census of 1860—

	Slaves.
Kentucky had,.....	225,490
Maryland,.....	87,188
Virginia,.....	490,887
Delaware,.....	1,798
Missouri,.....	114,965
Tennessee,.....	275,784

Making in the whole,.....	1,196,112
At the same rate of valuation	
these would amount to.....	\$358,833,500
Add for deportation and colonization \$100 each,.....	119,244,533

And we have the enormous sum of \$478,038,133

We did not feel that we should be justified in voting for a measure which, if carried out, would add this vast amount to our public debt at a moment when the Treasury was reeling under the enormous expenditure of the war.

Again, it seemed to us that this resolution was but the annunciation of a sentiment which could not or was not likely to be reduced to an actual tangible proposition. No movement was then made to provide and appropriate the funds required to carry it into effect; and we were not encouraged to believe that funds would be provided. And our belief has been fully justified by subsequent events. Not to mention other circumstances, it is quite sufficient for our purpose to bring to your notice the fact, that, while this resolution was under consideration in the Senate, our colleague, the Senator from Kentucky, moved an amendment appropriating five hundred thousand dollars to the object therein designated, and it was voted down with great unanimity. What confidence, then, could we reasonably feel that if we committed ourselves to the policy it proposed, our constituents would reap the fruits of the promise held out; and on what ground could we, as fair men, approach them and challenge their support?

The right to hold slaves is a right appertaining to all the States of this Union. They have the right to cherish or abolish the institution, as their tastes or their interests may prompt, and no one is authorized to question the right, or limit its enjoyment. And no one has more clearly affirmed that right than you have. Your inaugural address does you great honor in this respect, and inspired the country with confidence in your fairness and respect for the law. Our States are in the enjoyment of that right. We do not feel called on to defend the institution, or to affirm it is one which ought to be cherished; perhaps, if we were to make the attempt, we might find that we differ even among ourselves. It is enough for our purpose to know that it is a right; and, so knowing, we did not see why we should now be expected to yield it. We had contributed our full share to relieve the country at this terrible crisis; we had done as much as had been required of others, in like circumstances; and we did not see why sacrifices should be expected of us from which others, no more loyal, were exempt. Nor could we see what good the nation would derive from it.

Such a sacrifice submitted to by us would not have strengthened the arm of this Government, or weakened that of the enemy. It was not necessary as a pledge of our loyalty, for that had been manifested beyond a reasonable doubt, in every form and at every place possible. There was not the remotest probability that the States we represent would join in the rebellion, nor is there now, or of their electing to go with the Southern section in the event of a recognition of the independence of any part of the disaffected region. Our States are fixed unalterably in their resolution to adhere to and support the Union. They see no safety for themselves and no hope for constitutional liberty but by its preservation. They will, under no circumstances, consent to its dissolution; and we do them no more than justice when we assure you that, while the war is conducted to prevent that deplorable catastrophe, they will sustain it as long as they can muster a man or command a dollar. Nor will they ever consent, in any event, to unite with the Southern Confederacy. The bitter fruits of the peculiar doctrines of that region will for ever prevent them from placing their security and happiness in the custody of an association which has incorporated in its organic law the seeds of its own destruction.

We cannot admit, Mr. President, that, if we had voted for the resolution in the Emancipation Message of March last, the war would now be substantially ended. We are unable to see how our action in this particular has given, or could give, encouragement to the rebellion. The resolution has passed; and, if there be virtue in it, it will be quite as efficacious as if we had voted for it. We have no power to bind our States in this respect by our votes here; and, whether we had voted the one way or the other, they are in the same condition of freedom to accept or reject its provisions. No, sir; the war has not been

prolonged or hindered by our action on this or any other measure. We must look for other causes for that lamented fact. We think there is not much difficulty, not much uncertainty, in pointing out others far more probable and potent in their agencies to that end.

The rebellion derives its strength from the union of all classes in the insurgent States; and while that union lasts, the war will never end, until they are utterly exhausted. We know that at the inception of these troubles, Southern society was divided, and that a large portion, perhaps a majority, were opposed to secession. Now the great mass of Southern people are united. To discover why they are so, we must glance at Southern society, and notice the classes into which it has been divided, and which still distinguish it. They are in arms, but not for the same objects; they are moved to a common end, but by different and even inconsistent reasons. The leaders, which comprehend what was previously known as the State Rights party, and is much the lesser class, seek to break down national independence, and set up State domination. With them, it is a war against nationality. The other class is fighting, as it supposes, to maintain and preserve its rights of property and domestic safety, which it has been made to believe are assailed by this Government. This latter class are not disunionists *per se*; they are so only because they have been made to believe that this Administration is inimical to their rights, and is making war on their domestic institution. As long as these two classes act together, they will never assent to a peace.

The policy, then, to be pursued is obvious. The former class will never be reconciled, but the latter may be. Remove their apprehensions; satisfy them that no harm is intended to them and their institutions; that this Government is not making war on their rights of property, but is simply defending its legitimate authority, and they will gladly return to their allegiance as soon as the pressure of military dominion imposed by the confederate authority is removed from them.

Twelve months ago, both Houses of Congress, adopting the spirit of your message, then but recently sent in, declared, with singular unanimity, the objects of the war, and the country instantly bounded to your side to assist you in carrying it on. If the spirit of that resolution had been adhered to, we are confident that we should before now have seen the end of this deplorable conflict. But what have we seen?

In both Houses of Congress, we have heard doctrines subversive of the principles of the Constitution, and seen measure after measure, founded in substance on those doctrines, proposed and carried through, which can have no other effect than to distract and divide loyal men, and exasperate and drive still further from us and their duty the people of the rebellious States. Military officers, following these bad examples, have stepped beyond the just limits of their authority in the same direction, until, in several instances, you have felt the necessity of interfer-

ing to arrest them. And even the passage of the resolution to which you refer has been ostentatiously proclaimed as the triumph of a principle which the people of the Southern States regard as ruinous to them. The effect of these measures was foretold, and may now be seen in the indurated state of Southern feeling.

To these causes, Mr. President, and not to our omission to vote for the resolution recommended by you, we solemnly believe we are to attribute the terrible earnestness of those in arms against the Government, and the continuance of the war. Nor do we (permit us to say, Mr. President, with all respect to you) agree that the institution of slavery is "the lever of their power;" but we are of the opinion that "the lever of their power" is the apprehension that the powers of a common Government, created for common and equal protection to the interests of all, will be wielded against the institutions of the Southern States.

There is one other idea in your address we feel called on to notice. After stating the fact of your repudiation of General Hunter's proclamation, you add:

"Yet, in repudiating it, I gave dissatisfaction, if not offence, to many whose support the country cannot afford to lose. And this is not the end of it. The pressure in this direction is still upon me, and is increasing. By conceding what I now ask, you can relieve me, and, much more, can relieve the country in this important point."

We have anxiously looked into this passage to discover its true import, but we are yet in painful uncertainty. How can we, by conceding what you now ask, relieve you and the country from the increasing pressure to which you refer? We will not allow ourselves to think that the proposition is, that we consent to give up slavery, to the end that the Hunter proclamation may be let loose on the Southern people; for it is too well known that we would not be parties to any such measure, and we have too much respect for you to imagine you would propose it. Can it mean that by sacrificing our interest in slavery we appease the spirit that controls that pressure, cause it to be withdrawn, and rid the country of the pestilent agitation of the slavery question? We are forbidden so to think, for that spirit would not be satisfied with the liberation of seven hundred thousand slaves, and cease its agitation, while three million remain in bondage. Can it mean that, by abandoning slavery in our States, we are removing the pressure from you and the country, by preparing for a separation on the line of the Cotton States?

We are forbidden so to think, because it is known that we are, and we believe that you are, unalterably opposed to any division at all. We would prefer to think that you desire this concession as a pledge of our support, and thus enable you to withstand a pressure which weighs heavily on you and the country. Mr. President, no such sacrifice is necessary to secure our support. Confine yourself to your constitutional authority; confine your subordinates within the same limits; conduct this war solely for the pur-

pose of restoring the Constitution to its legitimate authority; concede to each State and its loyal citizens their just rights, and we are wedded to you by indissoluble ties. Do this, Mr. President, and you touch the American heart, and invigorate it with new hope. You will, as we solemnly believe, in due time restore peace to your country, lift it from despondency to a future of glory; and preserve to your countrymen, their posterity, and man, the inestimable treasure of a constitutional government.

Mr. President, we have stated with frankness and candor the reasons on which we forbore to vote for the resolution you have mentioned; but you have again presented this proposition, and appealed to us, with an earnestness and eloquence which have not failed to impress us, to "consider it, and at the least to commend it to the consideration of our States and people." Thus appealed to by the Chief Magistrate of our beloved country, in the hour of its greatest peril, we cannot wholly decline. We are willing to trust every question relating to their interest and happiness to the consideration and ultimate judgment of our own people. While differing from you as to the necessity of emancipating the slaves of our States as a means of putting down the rebellion, and while protesting against the propriety of any extra territorial interference to induce the people of our States to adopt any particular line of policy on a subject which peculiarly and exclusively belongs to them, yet when you and our brethren of the loyal States sincerely believe that the retention of slavery by us is an obstacle to peace and national harmony, and are willing to contribute pecuniary aid to compensate our States and people for the inconveniences produced by such a change of system, we are not unwilling that our people shall consider the propriety of putting it aside.

But we have already said that we regarded this resolution as the utterance of a sentiment, and we had no confidence that it would assume the shape of a tangible, practical proposition, which would yield the fruits of the sacrifice it required. Our people are influenced by the same want of confidence, and will not consider the proposition in its present impalpable form. The interest they are asked to give up is to them of immense importance, and they ought not to be expected even to entertain the proposal until they are assured that when they accept it their just expectations will not be frustrated. We regard your plan as a proposition from the Nation to the States to exercise an admitted constitutional right in a particular manner and yield up a valuable interest. Before they ought to consider the proposition, it should be presented in such a tangible, practical, efficient shape as to command their confidence that its fruits are contingent only upon their acceptance. We cannot trust any thing to the contingencies of future legislation.

If Congress, by proper and necessary legislation, shall provide sufficient funds and place them at your disposal to be applied by you to the payment of any of our States or the citizens thereof

who shall adopt the abolishment of slavery, either gradual or immediate, as they may determine, and the expense of deportation and colonization of the liberated slaves, then will our States and people take this proposition into careful consideration, for such decision as in their judgment is demanded by their interest, their honor, and their duty to the whole country.

We have the honor to be,

With great respect,

C. A. WICKLIFFE, Chair'n.
GARRETT DAVIS,
R. WILSON,
J. J. CRITTENDEN,
JOHN S. CARLILE,
J. W. CRISFIELD,
J. S. JACKSON,
H. GRIDER,
JOHN S. PHELPS,
FRANCIS THOMAS,

CHAS. B. CALVERT,
C. L. L. LEARY,
EDW. H. WEBSTER,
R. MALLORY,
AARON HARDING,
JAMES S. ROLLINS,
J. W. MENZIES,
THOS. L. PRICE,
G. W. DUNLAP,
WM. A. HALL.

REPLY OF THE MINORITY.

WASHINGTON, July 15, 1862.

MR. PRESIDENT: The undersigned, Members of Congress from the Border States, in response to your address of Saturday last, beg leave to say that they attended a meeting on the same day the address was delivered for the purpose of considering the same. The meeting appointed a committee to report a response to your address. That report was made on yesterday, and the action of the majority indicated clearly that the response reported, or one in substance the same, would be adopted and presented to you.

Inasmuch as we cannot, consistently with our own sense of duty to the country, under the existing perils which surround us, concur in that response, we feel it to be due to you and to ourselves to make to you a brief and candid answer over our own signatures.

We believe that the whole power of the Government, upheld and sustained by all the influences and means of all loyal men in all sections, and of all parties, is essentially necessary to put down the rebellion and preserve the Union and the Constitution. We understand your appeal to us to have been made for the purpose of securing this result. A very large portion of the people in the Northern States believe that slavery is the "lever-power of the rebellion." It matters not whether this belief be well-founded or not. The belief does exist, and we have to deal with things as they are, and not as we would have them to be. In consequence of the existence of this belief, we understand that an immense pressure is brought to bear for the purpose of striking down this institution through the exercise of military authority. The Government cannot maintain this great struggle if the support and influence of the men who entertain these opinions be withdrawn. Neither can the Government hope for early success if the support of that element called "conservative," be withdrawn.

Such being the condition of things, the President appeals to the Border State men to stop

forward and prove their patriotism by making the first sacrifice. No doubt, like appeals have been made to extreme men in the North to meet us half-way, in order that the whole moral, political, pecuniary, and physical force of the nation may be firmly and earnestly united in one grand effort to save the Union and the Constitution.

Believing that such were the motives that prompted your address, and such the results to which it looked, we cannot reconcile it to our sense of duty, in this trying hour, to respond in a spirit of fault-finding or querulousness over the things that are past. We are not disposed to seek for the cause of present misfortunes in the errors and wrongs of others who now propose to unite with us in a common purpose. But, on the other hand, we meet your address in the spirit in which it was made, and, as loyal Americans, declare to you and to the world that there is no sacrifice that we are not ready to make to save the government and institutions of our fathers.

That we, few of us though there may be, will permit no men, from the North or from the South, to go further than we in the accomplishment of the great work before us. That, in order to carry out these views, we will, so far as may be in our power, ask the people of the Border States, calmly, deliberately, and fairly to consider your recommendations. We are the more emboldened to assume this position from the fact, now become history, that the leaders of the Southern rebellion have offered to abolish slavery among them as a condition to foreign intervention in favor of their independence as a nation.

If they can give up slavery to destroy the Union, we can surely ask our people to consider the question of emancipation to save the Union.

With great respect, your obedient servants,
JOHN W. NOELL, WILLIAM G. BROWN,
SAM. S. CASEY, JACOB B. BLAIR,
GEORGE P. FISHER, W. F. WILLEY,
A. J. CLEMENTS.

REPLY OF MR. MAYNARD OF TENN.

HOUSE OF REPRESENTATIVES, July 16, 1862.

SIR: The magnitude and gravity of the proposition submitted by you to representatives from the slave States would naturally occasion diversity, if not contrariety, of opinion. You will not, therefore, be surprised that I have not been able to concur in view with the majority of them. This is attributable, possibly, to the fact that my State is not a Border State, properly so called, and that my immediate constituents are not yet disenthralled from the hostile arms of the rebellion. This fact is a physical obstacle in the way of my now submitting to their consideration this or any other proposition looking to political action, especially such as, in this case, would require a change in the organic law of the State.

But do not infer that I am insensible to your appeal. I am not. You are surrounded with difficulties far greater than have embarrassed any of your predecessors. You need the support of every American citizen, and you ought to

have it, active, zealous, and honest. The union of every Union man to aid you in preserving the Union, is the duty of the time. Differences as to policy and methods must be subordinated to the common purpose.

In looking for the causes of this rebellion, it is natural that each section and each party should ascribe as little blame as possible to itself, and as much as possible to its opponent section and party. Possibly you and I might not agree on a comparison of our views. That there should be differences of opinion as to the best mode of conducting our military operations, and the best men to lead our armies, is equally natural. Contests on such questions weaken ourselves and strengthen our enemies. They are unprofitable, and possibly unpatriotic. Somebody must yield, or we waste our strength in a contemptible struggle among ourselves.

You appeal to the loyal men of the slave States to sacrifice something of feeling and a great deal of interest. The sacrifices they have already made, and the sufferings they have endured, give the best assurance that the appeal will not have been made in vain. He who is not ready to yield all his material interests, and to forego his most cherished sentiments and opinions for the preservation of his country, although he may have perilled his life on the battle-field in her defence, is but half a patriot. Among the loyal people that I represent there are no half-patriots.

Already the rebellion has cost us much, even to our undoing; we are content, if need be, to give up the rest to suppress it. We have stood by you from the beginning of this struggle, and we mean to stand by you, God willing, till the end of it.

I did not vote for the resolution to which you allude, solely for the reason that at the time I was absent at the capital of my own State. It is right.

Should any of the slave States think proper to terminate that institution, as several of them, I understand, or at least some of their citizens propose, justice and a generous comity require that the country should interpose to aid it in lessening the burden, public and private, occasioned by so radical a change in its social and industrial relations.

I will not now speculate upon the effect, at home or abroad, of the adoption of your policy, nor inquire what action of the rebel leaders has rendered something of the kind important. Your whole administration gives the highest assurance that you are moved, not so much from a desire to see all men everywhere made free, as from a far higher desire to preserve free institutions for the benefit of men already free; not to make slaves freemen, but to prevent freemen from being made slaves; not to destroy an institution, which a portion of us only consider bad, but to save institutions which we all alike consider good. I am satisfied you would not ask from any of your fellow-citizens a sacrifice, not in your judgment, imperatively required by the safety of the country.

This is the spirit of your appeal, and I respond to it in the same spirit.

I am, very respectfully, your obed't servant,
HORACE MAYNARD.

-To the President.

REPLY OF SENATOR HENDERSON, OF MO.

WASHINGTON CITY, Monday, July 21, 1862.

MR. PRESIDENT: The pressure of business in the Senate during the last few days of the session prevented my attendance at the meetings of the Border State members, called to consider your proposition in reference to gradual emancipation in our States.

It is for this reason only, and not because I fail to appreciate their importance or properly respect your suggestions, that my name does not appear to any of the several papers submitted in response.

I may also add that it was my intention, when the subject came up practically for consideration in the Senate, to express fully my views in regard to it. This, of course, would have rendered any other response unnecessary. But the want of time to consider the matter, deprived me of that opportunity, and lest now my silence be misconstrued, I deem it proper to say to you I am by no means indifferent to the great questions so earnestly, and, as I believe, so honestly urged by you upon our consideration.

The Border States, so far, are the chief sufferers by this war, and the true Union men of those States have made the greatest sacrifices for the preservation of the Government. This fact does not proceed from mismanagement on the part of the Union authorities, or a want of regard for our people, but it is the necessary result of the war that is upon us. Our States are the battle-fields. Our people, divided among themselves, maddened by the struggle, and blinded by the smoke of battle, invited upon our soil contending armies—the one to destroy the Government, the other to maintain it. The consequence to us is plain. The shock of the contest upturns society and desolates the land. We have made sacrifices, but at least they were only the sacrifices demanded by duty, and unless we are willing to make others, indeed, any that the good of the country, involved in the overthrow of treason, may exact at our hands, our title to patriotism is not complete.

When you submitted your proposition to Congress, in March last, "that the United States ought to cooperate with any State which may adopt a gradual abolishment of slavery, giving to such State pecuniary aid, to be used by such State in its discretion, to compensate for the inconveniences, public and private, produced by such change of system," I gave it a most cheerful support, and I am satisfied it would have received the approbation of a large majority of the Border State delegation in both branches of Congress, if, in the first place, they had believed the war, with its continued evils—the most prominent of which, in a material point of view, is its injurious effect on the institution of slavery in our States—could possibly have been protracted for another twelve months; and if, in the second place, they had felt

assured that the party having the majority in Congress would, like yourself, be equally prompt in practical action as in the expression of a sentiment. While scarcely any one doubted your own sincerity in the premises, and your earnest wish speedily to terminate the war, you can readily conceive the grounds for differences of opinion where conclusions could only be based upon conjecture.

Believing, as I did, that the war was not so near its termination as some supposed, and feeling disposed to accord to others the same sincerity of purpose that I should claim for myself under similar circumstances, I voted for the proposition. I will suppose that others were actuated by no sinister motives.

In doing so, Mr. President, I desire to be distinctly understood by you, and by my constituents. I did not suppose at the time that I was personally making any sacrifice by supporting the resolution, nor that the people of my State were called upon to make any sacrifice, either in considering or accepting the proposition, as they saw fit. I agreed with you in the remarks contained in the Message accompanying the resolution, that "the Union must be preserved, and hence all indispensable means must be employed." . . . War has been and continues to be an indispensable means to this end. A practical reacknowledgment of the National authority would render the war unnecessary, and it would at once cease. If, however, resistance continues, the war must also continue; and it is impossible to foresee all the incidents which may attend, and all the ruin which may follow it. It is truly "impossible" to foresee all the evils resulting from a war so stupendous as the present. I shall be much rejoiced if something more dreadful than the sale of freedom to a few slaves in the Border States shall not result from it. If it closes with the Government of our fathers secure, and constitutional liberty in all its purity guaranteed to the white man, the result will be better than that having a place in the fears of many good men at present, and much better than the past history of such revolutions can justify us in expecting.

In this period of the nation's distress, I know of no human institution too sacred for discussion; no material interest belonging to the citizen that he should not willingly place upon the altar of his country, if demanded by the public good. The man who cannot now sacrifice party and put aside selfish considerations is more than half disloyal. Such a man does not deserve the blessings of good government. Pride of opinion, based upon sectional jealousies, should not be permitted to control the decision of any political question. These remarks are general, but apply with peculiar force to the people of the Border States at present.

Let us look at our condition. A desolating war is upon us. We cannot escape it if we would. If the Union armies were to-day withdrawn from the Border States, without first crushing the rebellion in the South, no rational man can doubt for a moment that the adherents of the Union

cause in those States would soon be driven in exile from their homes by the exultant rebels, who have so long hoped to return and take vengeance upon us.

The people of the Border States understand very well the unfriendly and selfish spirit exercised toward them by the leaders of the Cotton State rebellion, beginning some time previous to its outbreak. They will not fail to remember their insolent refusal to counsel with us, and their haughty assumption of responsibility upon themselves for their misguided action. Our people will not soon forget that while declaring against coercion, they closed their doors against the exportation of slaves from the Border States into the South, with the avowed purpose of forcing us into rebellion through fears of losing that species of property. They knew very well the effect to be produced on slavery by a civil war, especially in those States into which hostile armies might penetrate, and upon the soil of which the great contests for the success of Republican Government were to be decided. They wanted some intermediate ground for the conflict of arms — territory where the population would be divided. They knew, also, that by keeping slavery in the Border States, the mere "friction and abrasion" to which you so appropriately allude, would create a constant irritation, resulting necessarily from the frequent losses to which the owners would be subjected. They also calculated largely, and not without reason, upon the repugnance of non-slaveholders in those States to a free negro population. In the mean time they intended persistently to charge the overthrow of slavery to be the object of the Government, and hostility to this institution the origin of the war. By this means the unavoidable incidents of the strife might easily be charged as the settled purposes of the Government. Again: it was well understood by these men that exemplary conduct on the part of every officer and soldier employed by the Government could not in the nature of things be expected, and the hope was entertained, upon the most reasonable grounds, that every commission of wrong and every omission of duty would produce a new cause for excitement, and a new incentive to rebellion.

By these means the war was to be kept in the Border States, regardless of our interests, until an exhausted treasury should render it necessary to send the tax-gatherer among our people, to take the little that might be left them from the devastations of war. They then expected a clamor for peace by us, resulting in the interference of France and England, whose operatives in the mean time would be driven to want, and whose aristocracy have ever been ready to welcome a dissolution of the American Union.

This cunningly devised plan for securing a Gulf Confederacy, commanding the mouths of the great Western rivers, the Gulf of Mexico, and the Southern Atlantic Ocean, with their own territory unscathed by the horrors of war, and surrounded by the Border States, half of whose population would be left in sympathy with them

for many years to come, owing to the irritation to which I have alluded, has so far succeeded too well.

In Missouri they have already caused us to lose a third or more of the slaves owned at the time of the last census. In addition to this, I can make no estimate of the vast amount of property of every character, that has been destroyed by military operations in the State. The loss from general depreciation of values, and the utter prostration of every business interest of our people, is wholly beyond calculation. The experience of Missouri is but the experience of other sections of the country similarly situated. The question is, therefore, forced upon us: "How long is the war to continue; and if continued, as it has been on our soil, aided by the treason and folly of our own citizens, acting in concert with the confederates, how long can slavery, or, if you please, any other property interest, survive in our States?"

As things now are, the people of the Border States yet divided, we cannot expect an immediate termination of the struggle, except upon condition of Southern independence, losing thereby the control of the Lower Mississippi. For this, we in Missouri are not prepared, nor are we prepared to become one of the confederate States, should the terrible calamity of dissolution occur. This, I presume, the Union men of Missouri would resist to the death. And whether they should do so or not, I will not suppose for an instant that the Government of the United States would, upon any condition, submit to the loss of territory so essential to its future commercial greatness as is the State of Missouri. But should all other reasons fail to prevent such a misfortune to the people of Missouri, there is one that cannot fail. The confederates never wanted us and would not have us. I assume, therefore, that the war will not cease, but will be continued until the rebellion shall be overcome. It cannot and will not cease, so far as the people of Missouri are concerned, except upon condition of our remaining in the Union, and the whole West will demand the entire control of the Mississippi River to the Gulf. Our interest is, therefore, bound up with the interests of those States maintaining the Union, and especially with the great States of the West, that must be consulted in regard to the terms of any peace that may be suggested, even by the nations of Europe, should they at any time unfortunately depart from their former pacific policy, and determine to intervene in our affairs.

The war, then, will have to be continued until the Union shall be practically restored. In this alone consists the future safety of the Border States themselves. A separation of the Union is ruinous to them. The preservation of the Union can only be secured by continuation of war. The consequences of that continuation may be judged of by the experience of the last twelve months. The people of my State are as competent to pass judgment in the premises as I

am. I have every confidence in their intelligence, their honesty, and their patriotism.

In your own language, the proposition you make "sets up no claim of a right by Federal authority to interfere with slavery within the State limits, referring as it does the absolute control of the subjects in each case to the State and its people immediately interested. It is proposed as a matter of perfectly free choice with them."

In this view of the subject, I can frankly say to you, that, personally, I never could appreciate the objections so frequently urged against the proposition. If I understood you properly, it was your opinion, not that slavery should be removed in order to secure our loyalty to the Government, for every personal act of your administration precludes such an inference, but you believe that the peculiar species of property was in imminent danger from the war in which we were engaged, and that common justice demanded remuneration for the loss of it. You then believed, and again express the opinion, that the peculiar nature of the contest is such, that its loss is almost inevitable, and lest any pretext for a charge of injustice against the Government be given to its enemies, you propose to extend to the people of those States standing by the Union, the choice of payment for their slaves or the responsibility of loss, should it occur, without complaint against the Government.

Placing the matter in this light, (a mere remuneration for losses rendered inevitable by the casualties of war,) the objection of a constitutional character may be rendered much less formidable in the minds of Northern Representatives, whose constituents will have to share in the payment of the money, and so far as the Border States are concerned, this objection should be most sparingly urged, for it being a matter entirely of their "own free choice," in case of a desire to accept, no serious argument will likely be urged against the receipt of the money, or a fund for colonization. But, aside from the power derived from the operations of war, there may be found numerous precedents in the legislation of the past, such as grants of land and money to the several States, for specified subjects deemed worthy by the Federal Congress. And, in addition to this, may be cited a deliberate opinion of Mr. Webster upon this very subject, in one of the ablest arguments of his life.

I allude to this question of power merely in vindication of the position assumed by me, in my vote for the resolution of March last. In your last communication to us, you beg of us "to commend this subject to the consideration of our States and people." While I entirely differ with you in the opinion expressed, that had the members from the Border States approved of your resolution of March last, "the war would now be substantially ended," and while I do not regard the suggestion "as one of

the most potent and swift means of ending" the war, I am yet free to say, that I have the most unbounded confidence in your sincerity of purpose in calling our attention to the dangers surrounding us. I am satisfied that you appreciate the troubles of the Border States, and that your suggestions are intended for our good. I feel the force of your urgent appeal, and the logic of surrounding circumstances brings conviction even to an unwilling believer. Having said that in my judgment you attached too much importance to this measure as a means for suppressing the rebellion, it is due to you that I should explain.

Whatever may be the status of the Border States in this respect, the war cannot be ended until the power of the Government is made manifest in the seceded States. They appealed to the sword; give them the sword. They asked for war; let them see its evils on their own soil. They have erected a government, and they force obedience to its behests. This structure must be destroyed; this image, before which an unwilling people have been compelled to bow, must be broken. The authority of the Federal Government must be felt in the heart of the rebellious district. To do this let armies be marched upon them at once, and let them feel what they have inflicted on us in the Border. Do not fear our States; we will stand by the Government in this work.

I ought not to disguise from you, or the people of my State, that, personally, I have fixed and unalterable opinions on the subject of your communication. Those opinions I shall communicate to the people in that spirit of frankness that should characterize the intercourse of the representative with his constituents. If I were to-day the owner of the lands and slaves of Missouri, your proposition, so far as that State is concerned, would be immediately accepted. Not a day would be lost. Aside from public considerations, which you suppose to be involved in the proposition, and which no patriot, I agree, should disregard at present, my own personal interest would prompt favorable and immediate action.

But having said this, it is proper that I say something more. The representative is the servant and not the master of the people. He has no authority to bind them to any course of action, or even to indicate what they will or will not do when the subject is exclusively theirs and not his. I shall take occasion, I hope honestly, to give my views of existing troubles and impending dangers, and shall leave the rest to them—disposed, as I am, rather to trust their judgment upon the case stated than my own, and at the same time, most cheerfully to acquiesce in their decision.

For you, personally, Mr. President, I think I can pledge the kindest considerations of the people of Missouri, and I shall not hesitate to express the belief that your recommendation will be considered by them in the same spirit of kindness manifested by you in its presentation

to us, and that their decision will be such as is demanded "by their interests, their honor, and their duty to the whole country."

I am, very respectfully, your obedient servant,
J. B. HENDERSON,

To his Excellency, A. LINCOLN,
President.

Doc. 69.

SPIRIT OF THE CATHOLIC CHURCH.

LETTER OF THE BISHOP OF CHARLESTON.

CHARLESTON, S. C., August 4, 1861.

MOST REVEREND DEAR SIR: The mails are so completely paralyzed that it is hard to get a letter from outside the Confederacy. Papers are scarcely ever seen. That, however, Jefferson would think a blessing, on the ground that "he who is simply ignorant is wiser than the one that believes error." A paragraph, which has gone the rounds of the Southern papers, states that your grace has spoken strongly against the war policy of the Government of the United States, as fraught with much present suffering, and not calculated to attain any real advantage. What a change has come over these States since I wrote you a long letter last November, and even since I had the pleasure of seeing you last March. All that I anticipated in that letter has come to pass, and more than I looked for. All the hopes cherished last spring of a peaceful solution have vanished before the dread realities of war. What is still before us? Who can say? Missouri, Maryland, and Kentucky are nearer secession now than Virginia, North-Carolina, and Tennessee were four months ago. Missouri is a battlefield. I think that President Davis, after the victory at Stone Bridge, will probably, as his next move, throw a column into Maryland. Kentucky will, ere long, be drawn into the struggle, and the United States will, in less than ten months, be divided into two not unequal parts, marshalling hundreds of thousands of men against each other.

This war is generally dated from the bombardment of Fort Sumter. There we fired the first gun, and the responsibility is charged on us. But, in reality, that responsibility falls, should fall, on those who rendered the conflict unavoidable. The South years ago, and a hundred times, declared that the triumph of the abolition or anti-slavery policy would break up the Union. They were in earnest. When that party, appealing to the people on the Chicago platform, elected their candidate by every free State vote, (excepting New-Jersey, which was divided,) South-Carolina seceded, and other States were preparing to do so. They were in earnest. Yet, as the people disbelieved it, or heeded it not at the ballot-boxes, so Congress heeded it not at Washington, and stood doggedly on the Chicago platform, indorsed by the people. This consummated secession. The confederate government was formed. The dogged obstinacy of the Black Republicans at Washington last winter made all

the South secessionists. Still there was peace. The new administration professed an intention to preserve it. Peace gave time, and time can work wonders. The confederate government did not put much faith in those professions. The same hallucination as to their power, which rendered the Black Republicans arrogant and impracticable in Congress, would, it was apprehended, lead them to attempt to crush out secession by force. And nothing was left undone to be prepared for this event should it occur. Meanwhile commissioners were at Washington to arrange a peaceful separation. Favorable intimations were privately given them, and they had hopes of success. Nine governors, however, it is said, put the screws on the Cabinet, which resolved on a war policy, and as silently as they could, made warlike naval preparations. Then, after a month, the commissioners were refused admission or dismissed, and it was plainly announced that there would be no negotiation. At this time other facts were coming to light here in Charleston, where our batteries had for a month and more silently looked on Fort Sumter. During the time of peaceful professions, two special messengers (Fox and Lamon) from President Lincoln visited Fort Sumter. Before being allowed to go thither they gave their word of honor to our Governor that their object was really peaceful. The hotel conversation of the latter was very frank, it is said. Gentlemen here supposed that President Lincoln, before ordering the evacuation, wished, by these personal friends, to see, as it were, personally, and not simply to learn through official channels, how matters stood in Fort Sumter. When time rolled by without such an order, and it was rumored that the Cabinet had succumbed to the pressure of the Governors, the mails were stopped to and from Fort Sumter. Among the letters seized was one from Major Anderson to President Lincoln, discussing the details of the plan of reinforcement forwarded to him from Washington by those messengers. Our authorities were thus made aware of the breach of faith toward them, and of the details of the plan itself. Then came the special messenger of the President, announcing that he intended re-victualing the Fort, quietly, if permitted, forcibly, if resisted; then the account of the sailing of the fleet from New-York. The Fort was at once attacked and taken without awaiting their arrival. The attack was not made until the offer of negotiation and peaceful arrangement had been rejected, and until the United States Government was in the act of sending an armed force. But it is of little use now to inquire on whom the responsibility properly rests, we have the war on us, with all its loss of life, and long train of evils of every kind. It is the latest, perhaps the strongest instance history gives us, *quam parva sapientia regitur mundus*. Here was a country, vast, populous, prosperous, and blessed in its material interests, if any country was. The South producing cotton, tobacco, sugar, rice, and naval stores for the supply, as far as needed, of the North and the North-West,

to the value of perhaps fifty million dollars a year, and exporting to foreign countries over two hundred and twenty million dollars; the North-West producing chiefly grain and supplying the North and the South, and when the European crops failed, having, as last winter, a large European market; the North, manufacturing and supplying the South and the North-West, and struggling to compete with foreign goods abroad, and doing the trading and commerce of the South and the North-West.

Could the material interests of all the sections be more harmoniously and advantageously combined than in this Union, where each was free to develop to the fullest extent those branches of industry in which it could excel, and could draw from the others those products which it needed, but could not produce as well or as cheaply as they could? Even a child could see the vast benefits to all from this mutual cooperation. No wonder that in all material interests the country was prospering to an extent that intoxicated us and astonished the world. We claimed to be preëminently sagacious in money matters. The Yankees, I believe, ranked next after the Chinese, in their keenness in business; yet they especially, with an inconceivable blindness, have originated, fostered, and propagated a fanatical party spirit which has brought about a result foretold from the beginning, both North and South, as the inevitable consequence of its success. Taking up anti-slavery, making it a religious dogma, and carrying it into politics, they have broken up the Union. While it was a mere intellectual opinion they might discuss it as they pleased; they might embrace it as they did any other ism. Even their virulent abuse and misrepresentation we scarcely heeded, provided they did not obtrude them on us at home. They might even carry it into religion, and split their associations and churches on it. We, as Catholics, might everywhere smile at this additional attempt to "reform" the teachings of our Saviour. And the Protestants, South, could have churches and associations of their own. But when they carried it into politics, gaining one State government after another, and defining their especial policy by unconstitutional laws and every mode of annoying and hostile action, and finally, with increased enthusiasm and increased bitterness, carrying the Presidential election in triumph, and grasping the power of the Federal Government, what could the South do but consult its own safety by withdrawing from the Union? What other protection had they? The Senate, which had still a Democratic majority? They had seen the House of Representatives pass into the hands of their enemies, and each session saw an increasing majority there. The Executive had gone for four years. Their own majority in the Senate was dwindling fast, while on the Territorial question not a few of the Northern Democrats were unsound. To the Supreme Court? That had spoken in the Dred Scott decision. But even the Democratic party in convention would not sustain it, and the Black Republicans scouted it;

and moreover, in a few years, President Lincoln would have the privilege of placing on the bench new judges from the ranks of his party. To the sober second thought of the people? But this was no new issue on which they were taken by surprise. For years and years it had been discussed; North and South it had been denounced as fraught with disunion and ruin; and yet the Northern people had gradually come to accept it. But the South had spoken so often and so strongly of disunion, without doing any thing, that the Northern people had no real belief that any evil consequences would ensue; they did not understand the full bearing of their action. At least, let them understand something of this before all hope of appeal to them is abandoned. Well, South-Carolina seceded—other States were preparing to follow her. The matter was taken up in Congress. Many Southerners hoped that then, when the seriousness of the questions could no longer be doubted, something might be done. How vainly they hoped, the committees of Congress showed. The alternative was thus forced on the South, either of tame submission or of resistance. They did not hesitate. They desired to withdraw in peace. This war has been forced upon them.

It was unnecessary in the beginning. It brings ruin to thousands in its prosecution. It will be fruitless of any good. At its conclusion the parties will stand apart exhausted and embittered by it; for every battle, however won or lost, will have served but to widen the chasm between the North and South, and to render more difficult, if not impossible, any future reconstruction. Will it be a long war, or a short and mighty one? The Cabinet and the Northern press has pronounced for the last. Yet this is little more than an idle dream. What could four hundred thousand men do? I do not think there is a General on either side able to fight fifty thousand men. And the North would need eight or ten such generals. Certainly the forty thousand under McDowell, after five hours' fighting, fought on mechanically without any generalship. The higher officers had completely lost the guiding reins. On our side the Southern troops ought to have been in Washington within forty-eight hours. But the forty thousand on the confederate side was, I apprehend, too unwieldy a body for our generals. Did not Bonaparte say, that: "Not one of his marshals could general fifty thousand men in battle. Soult could bring them to the field, and place them properly, but could go no further." But without generals, what could four hundred thousand men do against the South? By force of numbers, and at great loss, they might take city after city. But unless they left large, permanent garrisons, their authority would die out with the sound of their drums. Such an army marching through a country covered with forests and thickets; and occupied by a population hostile to a man, and where even schoolboys can "bark a squirrel," would be decimated every hundred miles of its progress by a guerrilla warfare, against which it could find no protection.

This mode of attacking the South can effect nothing beyond the loss of life it will entail, and the temporary devastation that will mark the track of the armies.

But it is probable that circumstances would again, as they have done, overrule the designs of the Washington Cabinet, and make the war slow, long, and expensive—one to be decided, less by battles than by the resources and endurance of the combatants.

That portion of the former United States will suffer most in such a contest and must finally succumb which is least able to dispense with the support it received from the other two sections. How the North can do without our Southern trade I presume it can judge after three or four months' trial. But it would seem that the failure to sell to the South one hundred and twenty millions of their manufactures each year, the stoppage of so much of their shipping interest as was engaged in the two hundred and twenty millions of our foreign exports and the return importations, and in our internal coasting trade, together with the loss of the profits and commissions on so vast a business, must have a very serious effect, one that I see no way of escaping. Truly, the North has to pay dearly for its whistle of Black Republicanism. The North-West depended partially on the South for a market for its productions, and so far will suffer from the loss of it. It must also be incidentally affected by commercial embarrassments at the North. They will assuredly have enough to eat and to wear, but the "fancy" prices of real estate and stocks, by which they computed their rapidly increasing wealth, must fall in a way to astonish Wall street. Should their own crops fail, as they sometimes do, or should the European crops be abundant, their commerce will fall. Yet, as the mass of the poor will have all that they ever get anywhere—food and raiment, and that without stint—the North-West will suffer comparatively little.

How will it fare with the South should the war be long and so powerfully waged as to require the Southern confederation to keep—say one hundred thousand men—in arms, and if the ports are strictly blockaded? This is an important question, and one that can be answered only from a practical knowledge of the habits, resources, and dispositions of the Southern people. Our needs will be provisions, clothing, money for the governmental and war expenses, and for the purchase from abroad of what we absolutely require, and are not already supplied with. As for provisions, I am satisfied that this season we are gathering enough for two years' abundant supply. Every one is raising corn, wheat and stock. On this point the South need not envy the North-West. Again, manufactures of every kind are springing up on all sides. In this State we are providing for our wants—from lucifer matches and steam-engines to powder and rifled cannon. Clothing, too, though of a ruder texture, and sometimes inferior quality, is abundantly made and easily procured. The supply of tea and cof-

fee will, I presume, in time run out. This will put us to some trouble, but otherwise, neither for provisions nor for clothes, will the South be seriously inconvenienced. The blacks (by the by more quiet and orderly now, if possible, than before) will remain devoted to agriculture, while the rapidly increasing demand for home productions of every kind gives ready employment to the poorer classes of the whites. What amount of gold and silver there is within the confederate States I can only guess at—I suppose about twenty-five million dollars. But as the greater part of our expenses are at home, any currency we are satisfied to use will do, whether bank bills, confederate bonds or treasury notes. When we go abroad, it must be with gold or with cotton. This last is the spinal column of our financial system. The following is the proposed mode of operating with it: Two millions, or two and a half of bales will be conveyed to the confederate government, to be paid for in bonds or treasury notes. This cotton will be worth, at ordinary prices, one hundred millions of dollars. If it can be exported at once, it is so much gold. If it is retained, it will form the security for any loan that may be required abroad. The other third of the cotton will be sold by the planters as best they can on their own account. The chief difficulty is the blockade, which may prevent the export and sale abroad of the cotton. A loan on it as security, while it is still unshipped, and scattered in the interior in numberless small warehouses, could not easily be effected.

Up to the present time, and for six months more, the blockade, so far from doing any serious injury, has, on the contrary, benefited, and will continue to benefit the South, forcing us to be active, and to do for ourselves much that we preferred formerly to pay others to do for us. I presume that next January, with a crop of three and a half or four millions of bales on hand, the South would become very restive under a strict blockade. Should it continue twelve months longer, property at the South would go down as they say it has in New-York.

But before that time comes another very serious complication arises—how England and France will stand the cutting off of the supply of an article on which depend two thirds of the manufacturing interests of the one, and one third of those of the other? They cannot, try they never so much, supply the deficiency. As far as the feelings of England are concerned, and, I presume, those of France, too, both nations are decidedly and bitterly anti-slavery; but neither will be guilty of the mistake of the North, and utterly sacrifice vast interests for the sake of a speculative idea. If they find that they cannot do without Southern cotton, they will interfere, first probably to make peace, and if that effort fails, then in such other manner as will secure for them what will be a necessity. Mr. Seward's letter to Dayton, and its reception in Europe, the transportation of troops to Canada, and Admiral Milne's declaration as to the inefficiency of the blockade are straws already showing the possible course of future

events. Is the Federal Government strong enough for a war with England and France in addition to that with the South?

One other warlike course remains—to capture and hold all the Southern ports, and thus seek to control commerce independent of secession, leaving the interior of the South to fret and fume as it pleases. This is the problem of belling the cat. The Northern forces would have to capture Norfolk, Charleston, Savannah, Wilmington, N. C., Pensacola, Mobile, New-Orleans, and Galveston, besides some fifteen other smaller points. At each of them they would find a Stone bridge; and even if they succeeded, they could only hold military possession and be ever in arms against the attacks of the State authorities. Peace would never be established by any such course. It would not be successful, and even if successful, it would only hamper the South—it would never subjugate it.

The separation of the Southern States is *un fait accompli*. The Federal Government has no power to reverse it. Sooner or later it must be recognized. Why preface the recognition by a war equally needless and bloody? Men at the North may regret the rupture as men at the South may do. The Black Republicans overcame the first at the polls, and would not listen to the second in Congress, when the evil might have been repaired. They are responsible. If there is to be fighting, let those who voted the Black Republican ticket shoulder their muskets and bear the responsibility. Let them not send Irishmen to fight in their stead, and then stand looking on at the conflict, when, in their heart of hearts, they care little which of the combatants destroys the other.

Most reverend dear sir, I am surprised and somewhat ashamed of the length to which my pen has run. But the night is hot—too hot for sleep. I arose from my couch, and have spent a couple of hours speaking to you as frankly and unreservedly as you have ever kindly allowed me to do. A trip to New-York would be very agreeable for more reasons than one. But that is impossible. Next to that I would like to see a file of the *Record*. That, too, is impossible. Nothing seems now to span the chasm but that bridge of Catholic union and charity of which your grace spoke so eloquently last St. Patrick's day.

I must thank you, too for your article in my defence against Tracy. He was a poor man with a growing family, whom at Rev. Mr. O'Connell's instance, Bishop Reynolds allowed to live on a place in Newberry district, belonging to him, rent free, and as an act of charity. I did not trouble him. He says I saw him there once, years ago. Perhaps so; I do not remember. The first time I remember seeing him was here in Charleston, after his expulsion. He was driven off because he was suspected for years, and charged by the neighbors with stealing and buying stolen goods habitually—was once tried and convicted—and afterward, they were satisfied, continued the practice.

Commending myself to your holy sacrifices, I have the honor to remain, most reverend dear

sir, your Grace's sincere and respectful son in Christ.

† P. N. LYNCH, D.D., S. C.

LETTER OF THE ARCHBISHOP OF NEW-YORK.

New-York, August 23, 1861.

RIGHT REV. DEAR SIR: I have received your letter of the fourth inst. How it reached I can hardly conjecture; but it came to hand within about the usual period required for the transmission of mail matter between Charleston and New-York, during happier years, when all the States, North and South, found their meaning in the words, "*E Pluribus Unum*."

It must have run the blockade or dodged the pickets on hostile borders. I have read it with very deep interest, increased, if any thing, by the perils of flood and field through which it must have passed.

If even the innocent lightning of the North were permitted to carry a message into Southern latitudes, I would telegraph you for permission to publish your calm and judicious communication. As it is, however, my only chance of acknowledging it is through the *Metropolitan Record*, and without special permission publish your letter at the same time. In this way it may happen that during the war, or afterward, my answer will come under your inspection. Yours is, in my judgment one of the most temperate views of the present unhappy contest that has ever come under my notice from any son of South-Carolina. It is not to be inferred, however, that because I admire so much the calmness of its tone and temper, I therefore agree with all its arguments and speculations.

You say I am "reported to have spoken strongly against the war policy of the Government of the United States, as fraught with much present suffering, and not calculated to obtain any real advantage." Be assured that previous to the outbreak of military violence, I was most ardently desirous of preserving peace and union, but since violence, battle, and bloodshed have occurred, I dare not hope for peace unless you can show me a foundation of rock or solid ground (but no quicksand basis) on which peace can be reestablished. The nature of your ministry and mine necessarily implies that we should be the friends of peace. It was the special legacy of our divine Master to his flock. And it would be strange if we, his appointed ministers, should be found in the ranks of its enemies. His words were, as we find in St. John: "Peace I leave to you, my peace I give to you; not as the world giveth do I give to you." And yet St. Paul, in writing to the Christian converts of Rome, says: "If it be possible, as much as it is in you, have peace with all men." I think this latter inspired quotation has at least a remote bearing on our present sad difficulties.

Your explanations of the causes which have led to this war are entirely Southern in their premises and conclusions. But they are so mild, and even plausibly stated, that I leave them uncontroverted. Your description of the evils resulting

from the war is too correct to be gainsaid by me. Still, here we are in the midst of a sanguinary contest, which, so far as I can see, like a hurricane on the ocean, must exhaust its violence before we can expect the return of national calm. There is no one who desires more ardently than I do the advent of that bright day on which we shall all be reunited in one great, prosperous, and happy country.

Instead of controverting the correctness of your views in regard to the causes of our actual troubles, or determining where or on whom the responsibility of their existence rests, I shall beg leave to make my own statement from a point of view which is found in the general sentiment of the people north of Mason and Dixon's line.

They say that whatever may have been the anterior origin of this war, its immediate cause was the overt act of turning guns, put in place by the State of South-Carolina, against a public military defence of the country at large, which of right belonged to all the States in common. Then it is thought, or at least stated, in these quarters that the South, for many years past, would not be satisfied with less than a paramount control of the Federal Government. The South, it is well known, has been in a fretful mood for many years under Northern assaults, made upon her civil and domestic institutions. It would be, on my part, very uncandid to disguise the conviction that in this respect the South has had much reason to complain. Leaving, however, opinions to fluctuate as they may, I will simply give you my own as to the primary causes of our present strife.

You know that free speech and a free press are essential constituents of the first notions of Anglo-Saxon liberty. These were the Shibboleth of its existence, prosperity, and prospects. In the exercise of these peculiar privileges the North of this country has used its type and its tongue offensively against the South. Neither was the South backward in the work of retaliation on the same principle. But the Anglo-Saxon, whether of the South or of the North, would see the whole world set in a blaze rather than put limits to the freedom of the press or the unbridled license of the tongue, except when the laws interpose for the protection of public authority or individual rights of character and property.

At the commencement of our national institution as an independent State, slavery, for instance, was found to exist, almost universally, in the North as well as in the South. The word itself was not used in any of the paragraphs found in the Magna Charta of our government. The slave-trade from the western coast of Africa had been encouraged by the subjects and the government of Great Britain. The government of England did not hesitate to affix its veto on some of the enactments made by the recognized local authorities of the colonies, for the diminution of the slave-trade. It would appear that from this trade, so abominable in its primary origin, there were certain emoluments accruing to the treasury of the mother country. And these

emoluments were looked to as a source of revenue, just as some countries in Europe, in their sovereign capacity, monopolize the largest portion of profits resulting from commerce in salt and tobacco.

After the Revolution slavery was gradually dispensed with in all the Northern States. Whether this was done from what would now appear a sense of humanity, or from motives of domestic or political lucre, it will be for you, as for me, a private right to determine, each according to his own opinion. But slavery was a social element recognized in all the States at the period of the Revolution. So far the changes that have supervened in reference to slavery have been all in the North, and the South is today as to this matter in *statu quo*, just as she was at the period of the Declaration of Independence. The Northern States, in the exercise of their acknowledged right, repudiated slavery within their own borders. The Southern States, in the equal exercise of theirs, have done just the reverse. The North, unrepenting of many sins of its own, has exhibited great remorse for the sins of its neighbors. A portion of its inhabitants talk in a certain style, not only of this subject, but of a great many others, about national sins which, according to its solution of Pagan ethics or of Christian duty, every human being is bound to correct. Yet the biggest sin in our day known to the North is not what occurs in its own immediate neighborhood or State, but the monster iniquity of the South, which, between you and me, and as the world goes, might have been permitted to manage its own affairs in its own way, so that its acts should be found either in harmony with, or not in violation of, the Constitution of the United States.

I am an advocate for the sovereignty of every State in the Union within the limits recognized and approved of by its own representative authority when the Constitution was agreed upon. As a consequence, I hold that South-Carolina has no State right to interfere with the internal affairs of Massachusetts. And, as a further consequence, that Massachusetts has no right to interfere with South-Carolina, or its domestic and civil affairs, as one of the sovereign States of this now threatened Union. But the Constitution having been by the common consent of all the sovereign parties engaged in the framework and approval thereof, I maintain that no State has a right to secede, except in the manner provided for in the document itself.

The revolt of the colonies against the authority of Great Britain is quite another thing. If England had extended to these colonies the common rights and privileges nominally secured by the British constitution, we have high authority for believing that the colonies would not have gone, at least when they did, into rebellion. Indeed, it might be asserted and maintained that it was not the Americans, but the British ministry and government, that supplied legitimate reasons for the American Revolution.

In the present case it would be difficult, by

parity of reasoning, to justify the grounds on which the South have acted.

I think a few remarks will satisfy you of the correctness of this statement. You say that for many years the South has proclaimed its dissatisfaction, and announced its determined purpose of secession, if certain complaints should not be attended to and their causes redressed; that the South was all the time in earnest, and the North would never believe in their sincerity or their predictions. This may be so; but it gives me an occasion to remark that the Federal Government as such had given no special reason for the secession of the South at this time more than there was ten or even fifteen years ago. The Personal Liberty bill was unconstitutional in the few States which adopted it. New-York was too wise and too patriotic to be caught in that trap. The so-called Personal Liberty bill was never adopted, so far as documents are evidence, either directly or indirectly, by the Government at Washington. Indeed, I am not aware of any statute passed by the Federal authority which could give the South additional reasons for discontent or complaint within the last ten or fifteen years.

I have thus alluded to the unofficial causes for Southern resentment. Even in your own letter the cause alleged is the election of the present chief magistrate. This does not seem at all sufficient to warrant the course which the South has adopted.

The government originally agreed upon by all the States has lasted during a period of between seventy and eighty years. During this time its executive administration was enjoyed by the South for fifty-two years. No Northern President has ever been reelected. Washington, Jefferson, Madison, Monroe, and Jackson have each discharged that office for a term of eight years. The conclusion is, then, that out of seventy or eighty years of the administration of our Government fifty-two years have inured to our patriotic men of the South. This fact involves the potentialities and powers of the Government as having been exercised by supremacy on the part of the South. The navy, the army, the incumbents of the Supreme Court, were not ignorant of or insensible to this fact. Now, I put it to your candor to say whether, after such a history of the administration of our country, the South might not have tolerated the occupancy of the presidential chair by the present incumbent, who, with his Northern predecessors in that office, could hardly expect to survive officially the ordinary four years of a Northern supreme magistrate?

You say that President Lincoln was elected by Black Republicans in the North. I am inclined to think that he was indirectly or negatively elected by Democrats North and South. The Black Republicans presented one candidate, and, in order to defeat his election, the Democrats North and South presented three. If the latter had selected only one candidate, it is probable that the Black Republicans, as you call them, would have been found as *minus habentes*. But

when the Democrats distributed their votes, apparently with a view of rendering them inefficient, then, of course, the one man of choice was elected over the three candidates and competitors that had been placed in rivalry with each other, and in the aggregate all against him alone. That he was constitutionally elected under these circumstances is not denied either in the South or in the North. Then, if so elected, he is the Chief Magistrate of all the United States of America, and, by his very oath of office, is bound by their common consent to see that neither Maine, on the North-East, or Texas, on the South-West, shall be permitted to overthrow the original Federal compact agreed upon in the Constitution of this government. If States shall be allowed, in the face of that Federal Constitution, to kick over the traces of a common union, as agreed upon in the primitive days of our government, then it is difficult to see why counties and townships and villages may not be at liberty to do the same thing just as often as the freak or fancy to do so may or shall have come upon them.

There appears to be an idea in the South that the Federal Government and the people of the North are determined to conquer and subjugate them. This, I think, is a great mistake. First, in the sterner sense of the word "conquer," it seems to me utterly impossible; and, if possible, I think it would be undesirable and injurious, both to the North and to the South. Unless I have been deceived by statements considered reliable, I would say that the mind of the North looks only to the purpose of bringing back the seceded States to their organic condition—*ante bellum*.

There remains now scarcely a hope of peace, and the issue is, apparently, that the North must triumph on the field of Mars, or that the South shall prove itself victorious on the same bloody arena. But, after all, we must not despair in reference to a coming peace. The idea of an armistice, even for six months, is now utterly hopeless; but I think that the North, if the chance were presented, would be as willing to enter on terms of peace as the South itself. Still, I am bound to say, under deep conviction of the truth, that of both sections unhappily launched on the swelling torrent of our domestic troubles, the North will be the latter to sink or swim in the sanguinary tide on which both are now afloat.

You make mention of the Commissioners sent to Washington at an early period of the struggle, with kind, fair, and liberal propositions, as you consider them, for the arrangement of the whole difficulty. Before reaching the point of settlement, there would be found a vast amount of principle involved. Commissioners should have some recognized authority to warrant them in attempting to discharge the duties of their official office. Those of the South, in the circumstances, so far as I can see, had no authority whatever.

The people of your region (when I say people, of course I mean the voters, as commonly understood in this country) had scarcely been consulted on this vital question. Their government,

so called, was unrecognized by any civil principality on the face of the earth. Commissioners presented themselves before the public servants of a Government universally recognized by all nations. The terms of these Southern Commissioners were more of dictation than of petition. The Government at Washington had to choose one or another of two alternatives. The President and his Cabinet might have chosen the alternative of perjury, and acceded to the demands of those Commissioners, or they might, as they surely did, decline every official intercourse with them.

They chose the latter course. And now it only remains to see whether the Government is what it calls itself—the Government of the United States, or merely the Government of a fraction thereof—and that fraction measured out to them by Southern Commissioners who could not show a legitimate title for the commission which they professed to execute.

You think it hard and unnatural that foreigners and Catholics should be deluded into the service of the recognized Federal Government in order to be immolated in the front of battles, and made food for Southern powder. If this end were a deliberate policy in the North, I should scout and despise it. I admit and maintain that foreigners now naturalized, whether Catholics or not, ought to bear their relative burthen in defence of the only country on these shores which they have recognized, and which has recognized them as citizens of the United States.

Mr. Russell, the correspondent of the *London Times*, reports a conversation which he had with "a very intelligent Southern gentleman, formerly editor of a newspaper," who stated, on behalf of the Confederacy—"Well, sir, when things are settled, we'll just take the law into our own hands. Not a man shall have a vote unless he's American born, and by degrees we'll get rid of these men who disgrace us." Mr. Russell inquired: "Are not many of your regiments composed of Germans and Irish, of foreigners, in fact?" "Yes, sir."

This "very intelligent Southern gentleman, formerly editor of a newspaper," is certainly no true representative of the gentlemen whom it was my good fortune and pleasure to meet whenever I travelled in the South. But no matter. If the statement be true, it only shows that for Irish and foreigners in general, the South is nearly as unfriendly as the North can be. It proves, farther, that so far as the Irish are concerned, the hereditary calamities of their native land follow them up wherever they go, in one form or another. Here, and now, they are called upon by both sides to fight in the battles of the country; and no matter who triumphs, they need not look for large expressions of thanks or gratitude from either side. Still, whether in peace or war, take them for all in all, they are as true to the country as if they had been born on its once free and happy soil.

Pardon me this digression, and let me return to the other sentiment, touching the hope of a prospective peace.

That word "peace" is becoming more or less familiar here in the North. In a crisis like this, it is not, in my opinion, expressive of a sound principle or a safe policy. Its meaning changes the basis and the issue of this melancholy war. If changed, it will be a war, not between the South and the North geographically considered, but a war between the two great political parties that divide the country. Instead of this partisan hostility, wise patriots should rival each other in restoring or preserving the Union as one nation, its prosperity and the protection and happiness of its entire people, in all their legitimate rights. But all this is to be judged of by others, and the opinion of any individual is of the smallest account. If a word of mine could have the slightest influence, I would suggest that even whilst the war is going on, there might be a convention of the seceded States, held within their own borders. It might be one representative appointed from each of those States, by the Governor, to meet and examine the whole case as it now stands—arrange and draw up a report of their grievances, or what they consider such—and report to their respective Governors the result of their deliberations, and the conclusions at which they shall have arrived.

The same process might be adopted in the States that have not seceded, and similar reports be made to their respective Governors. This would be only a preparatory measure for something more important. If a better feeling or understanding could be even partially arrived at, a future Convention of all the States by their representatives would have something to act upon. The difficulties might be investigated and provided for; the Constitution might be revised by general consent, and if the platform—sufficiently ample for three millions at the period when the Constitution was formed—is found to be neither of breadth nor strength to support a population of thirty-three millions, wise and patriotic men might suggest, according to the rules prescribed in the original document, the improvements which the actual condition of the country would seem to require. The Constitution itself, in its letter and spirit, is no doubt the same as it was when first framed; but every thing around has been undergoing a change for nearly eighty years.

For a peace of that kind, I would be a very sincere, if not an influential, advocate. But to expect that a peace will spring up by the advocacy of individuals in the midst of the din and clash of arms, amidst the mutually alienated feelings of the people, and the widening of the breach which has now separated them, would be, in my opinion, hoping against hope. Still we must trust that the Almighty will overrule and direct the final issues of this lamentable contest.

I had no intention to write so long a response to your kind letter. Enough, and perhaps more than enough, has been said; and it only remains for me to add that the Catholic faith and Catholic charity which unites us in the spiritual order shall remain unbroken by the booming of cannon along the lines that unfortunately separate a

great and once prosperous community into two hostile portions, each arrayed in military strife against the other.

I have the honor to remain, as ever, your obedient servant and brother in Christ,

† JOHN,
Archbishop of New-York.

Right Rev. P. N. LYNCH,
Bishop of Charleston.

Doc. 70.

EVACUATION OF PENSACOLA NAVY-YARD, FORTS, ETC.*

REPORT OF BRIG-GEN. (REBEL) T. M. JONES.

MOBILE, January 24, 1862.

SIR: In accordance with your instructions, I have the honor respectfully to tender the following report of my evacuation of the forts, navy-yard, and position at and near Pensacola, Florida:

On being placed in command of that place by Brigadier-General Samuel Jones, on the ninth of March last, his instructions were to move, as fast as my transportation would allow, the machinery and other valuable property from the navy-yard.

This was kept up steadily until the night of the evacuation. On receiving information that the enemy's gunboats had succeeded in passing the forts below New-Orleans, with their powerful batteries and splendid equipments, I came to the conclusion that with my limited means of defence, reduced as I had been by the withdrawal of nearly all my heavy guns and ammunition, that I could not hold them in check, or make even a respectable show of resistance. I therefore determined, upon my own judgment, to commence immediately the removal of the balance of my heavy guns and their ammunition, and despatched to you for your approval, which was answered by one advising me to continue doing so. On receipt of General Lee's written instructions on the subject, I pushed on the work with renewed vigor, and night and day kept up the removal of guns and valuable property.

On the afternoon of the seventh instant I received a despatch from your Adjutant-General, stating that there were a number of mortar and gunboats off Fort Morgan, and that the Fort had fired ten shots at them. Conceiving that the contingency named in General Lee's instructions had arrived, namely, to bring all my available force to this point in the event of an attack, I concluded to promptly leave my position. I therefore sent to Montgomery a regiment of unarmed troops. On the next day I ordered the Eighth Mississippi regiment, Lieutenant-Colonel Yates commanding, to proceed at once to this place and report to you, and on the ninth I prepared my plans for generally evacuating.

On the night of the eighth three companies of cavalry arrived from Montgomery. With these, and two companies I already had, I determined to destroy the public property, etc., which I had

* See Vol. I. REBELLION RECORD.

not been able to remove, and which might prove of benefit to the enemy. As the few troops were so disposed that any reduction in the daytime would attract the notice of the enemy, I merely withdrew the camp and garrison equipage, and sick, in accordance with an order from General Lee to "keep the army mobilized." On the morning of the ninth, all the work of removing sick and baggage having been completed, I published orders that my forces should present themselves to the best advantage to the enemy, and as soon as it was dark they were quietly marched out from their camps and started on the road to Oakfield. Sentinels were posted as usual on the beach, and they were withdrawn one hour after the other troops had left. All these instructions were obeyed to the letter, and much to the credit of the comparatively raw troops under my command. When my infantry were well on the road, and out of range of the enemy's guns, the cavalry were assigned their places to commence the necessary destruction, at a signal previously agreed upon, to be given from the cupola of the hospital, and one answering at the navy-yard, Barrancas, and Fort McRae. Precisely at half-past eleven o'clock, when every thing was perfectly quiet, both on the enemy's side and ours, the most painful duty I ever fell to my lot to perform was accomplished, namely, the signaling for the destruction of the beautiful place which I had labored so hard, night and day, for over two months, to defend, and which I had fondly hoped could be held from the polluting grasp of our insatiate enemies.

The two blue-lights set off by Colonel Tatnall and myself at the hospital were promptly answered by similar signals from the other points designated, and scarcely had the signals disappeared ere the public buildings, camp-tents, and every other combustible thing from the navy-yard to Fort McRae, was enveloped in a sheet of flames, and in a few moments the flames of the public property could be distinctly seen at Pensacola. The custom-house and commissary store-houses were not destroyed, for fear of endangering private property, a thing I scrupulously avoided. As soon as the enemy could possibly man their guns and load them, they opened upon us with the greatest fury, and seemed to increase his charges as his anger increased. But in spite of the bursting shell, which were thrown with great rapidity, and in every direction, the cavalry proceeded with the greatest coolness to make the work of destruction thorough and complete, and see that all orders were implicitly obeyed. Their orders were to destroy all the camp-tents; Forts McRae and Barrancas, as far as possible; the hospital, the houses in the navy-yard, the steamer Fulton, the coal left in the yard; all the machinery for drawing out ships, the trays, shears; in fact, every thing which could be made useful to the enemy. The large piles of coal were filled with wood and other combustibles, and loaded shell put all through it, so that, when once on fire, the enemy would not dare to attempt to extinguish it. Loaded shell were also placed in

the houses for the same purpose, and the few small smooth-bore guns I was compelled to leave were double-shotted, wedged, and spiked, and carriages chassie burned. The shears in the navy-yard were cut half in two, and the spars and masts of the Fulton were cut to pieces. By the most unremitting labor I succeeded, with my little force and limited transportation, in saving all the heavy guns, and nearly all the small size guns. I took away all the flanking howitzers from Barrancas and the redoubt. In removing the large columbiads from the batteries, which were in full view of the enemy's, I was compelled to resort to General Johnston's plan of replacing them with wooden imitations, as they were removed. All the powder and most of the large shot and shell were removed; the small size shot were buried. I succeeded in getting away all the most valuable machinery, besides large quantities of copper, lead, brass, and iron. Even the gutters, lightning-rods, window-weights, bells, pipes, and every thing made of these valuable metals were removed; also cordage, blocks, cables, chain-cables, and a large number of very valuable articles of this character, which I cannot here enumerate. All the quartermaster and commissary stores, except such as were not worth the transportation, were sent away. As soon as this was completed, I set hands to work taking up the railroad iron at Pensacola, and others to reeling up the telegraph-wires, under the protection of a strong guard of cavalry, infantry, and one piece of light artillery.

Having received orders not to destroy any private property, I only destroyed at Pensacola a large oil-factory, containing a considerable quantity of rosin, the quartermaster's store-houses, and some small boats, and three small steamers, used as guard-boats and transports. The steamers Mary and Helen were the only private property of their kind burned. The steamboat Turel, which we had been using as a transport, was sent up the Escambia River, she being of very light draft, well loaded with stores, machinery, etc., with orders to cut down trees, and place every obstruction possible in the river behind her. She has arrived safely at a point I deem beyond the enemy's reach, and she has been unloaded of her freight. The casemates and galleries of Fort McRae were filled with old lumber, and many loaded with shell and fired. The galleries and implement-rooms at Barrancas were similarly dealt with, and the destruction at both places was as complete as it could be without the use of gunpowder; this I did not deem it necessary or proper to use for this purpose. The enemy's furious cannonade only served to make the havoc more complete. There was no damage done by it to man or horse. When it is remembered that all this work has been done by a mere handful of raw troops, with but few arms, and many of them without any arms at all, and this, too, in the very face of a formidable force, I deem it but simple justice to my men to say that the conduct of each and all of them was worthy of the highest praise. It not unfrequently happen-

ed that after standing guard all night they cheerfully labored all the next day and night. I have not room to make distinctions where all did so well, but I feel constrained to make particular mention of Captain J. H. Nelson, of the Twenty-seventh Mississippi regiment, who commanded at Fort McRae, the most exposed and dangerous point; Major Kilpatrick, who commanded at the navy-yard, and Lieutenant-Colonel Conoly, who commanded at Pensacola. These gentlemen deserve the greatest credit for their zeal and watchfulness in the management of their respective stations. I feel that I am also authorized in saying of the Twenty-seventh, under Captain Hays, that during the frequent and terrible alarms, so unavoidable with new troops, it was always cool and ready for serious work. The unwearied exertions, both night and day, of my personal staff-officers have received my personal thanks, and I feel called upon to remark that they deserve great credit, as they were so zealous and unremitting in their exertions to assist me in carrying out my orders and of serving the country, that I frequently had to insist on their taking rest, for fear that they would completely wear themselves down. On the completion of my work, I proceeded to rejoin my army at Oakfield, six miles north of Pensacola on the railroad, leaving five companies of cavalry in command of Captain J. T. Myers, an efficient and daring officer, to watch the enemy's movements.

The next morning I proceeded, with the Twenty-seventh Mississippi regiment, to Mobile, leaving Lieutenant-Colonel Conoly with the Twenty-ninth Alabama regiment; and Lieutenant-Colonel Tullen, with five companies of Florida volunteers, two of which companies were armed, to guard the railroad, whilst the iron was being removed. I regret to acknowledge the receipt of a telegraphic despatch from the Hon. Secretary of War, dated subsequent to my evacuation, directing me not to burn the houses in the navy-yard. I received one from him the day before the evacuation, directing me to spare all private dwellings not useful to the enemy for war purposes, which was done. The first-named despatch reached me after my arrival in the city.

I am, sir, very respectfully, your obedient servant,

THOS. M. JONES,

Acting Brigadier-General C. & A.

To Brig.-Gen. JOHN H. FORNEY,
Commanding Dep't Ala. and W. Fla.

Doc. 71.

REPORT OF COLONEL CROSS,

OF THE OPERATIONS OF THE FIFTH NEW-HAMPSHIRE
REGIMENT.

HEADQUARTERS FIFTH NEW-HAMPSHIRE VOLUNTEERS, }
CAMP OF BOLIVAR HEIGHTS, October 31, 1862. }

Governor Berry:

THE Fifth regiment New-Hampshire volunteers has now been in service one year, and it seems proper that I should present you a statement of the services of the regiment and its present condition.

The regiment completed its muster on the evening of October twenty-sixth, 1861, and left Concord on the twenty-eighth, numbering one thousand and ten officers and men. On the thirty-first we reached Bladensburg, where we encamped. On the third of November, in the midst of a rain, and the roads in very bad condition, we formed a portion of Howard's brigade, ordered to Lower Marlborough, Maryland. The distance—about fifty miles—was made in two days. We marched back in two days, after remaining one. No more severe march has been made by any regiment of the army of the Potomac. On the twenty-seventh of November the regiment marched across Long Bridge, in Virginia, and was assigned, with the remainder of Howard's brigade, to the division of General Sumner. A great deal of hard labor was here expended in rendering habitable a bad location for a camp; but we afterward had the satisfaction of having the most neat and comfortable quarters in the division. The regiment soon commenced doing picket and outpost duty at the front, and established the first line of pickets on the line fronting the enemy at Fairfax Court-House. In the intervals of picketing and scouting, whenever the weather would allow, the men were thoroughly drilled not only in regimental but brigade drill, also in the bayonet exercise. The commissioned officers were also drilled in the practical part of this duty. Schools were established by the Colonel and Lieutenant-Colonel, for the instruction of officers and sergeants during the winter evenings. A "common school," for such of the boys in the regiment as needed instruction in elementary branches, was also put in operation—the necessary books being donated by the Sanitary Commission.

All through the winter my regiment furnished heavy details to build roads, repair bridges, and cut timber. The pioneers were also instructed in making gabions, fascines, and other engineering work. The good effect of this drill and instructions has since been apparent to officers and men on many trying occasions.

Measles and mumps prevailed in my regiment to an extraordinary extent, but at no time up to the battle of Fair Oaks did the regiment fail to turn out more men for duty than any other in the entire division. All through the winter we averaged from six hundred and fifty to eight hundred men for duty daily. Several times while the regiment was out on duty at the front, it was exposed to severe storms of rain and snow, without tents, for five or six days at a time. On the first day of March, while on picket, received orders to move up and join the remainder of Howard's brigade, then on a scout to the front. While on this expedition the regiment was called out in the night to meet the enemy. In less than seven minutes from the time the "long-roll" commenced beating, the whole regiment was on the march.

On the tenth of March my regiment, under its commanding officer, formed the advanced-guard of Sumner's division, when it marched from

"Camp California" on Manassas—Major Cook commanding my skirmish line. On the march to Warrenton Junction the entire force were obliged to ford creeks, rivers—some waist-deep—five of these fords in one day. Guard and picket duty was severe; the weather cold and rainy; the roads almost impassable; often the men could not build fires; often the ground was so wet and muddy that they could not lie down; no tents; no cooking utensils but tin cups, and no wagons; in this state for thirty-one days. Yet the men were cheerful, and we averaged seven hundred for duty, daily.

On the twenty-eighth of March General Howard commanded a reconnoissance in force, from Warrenton Junction to the Rappahannock River—eight miles—for the purpose of forcing the enemy to cross the river, and burn the railroad bridge. I had the honor again to command the advanced-guard—Lieutenant-Colonel Langley commanding the skirmish line. The enemy were driven in all day, the bridge and railroad depot burned, and the rebel forces shelled out of their position. Here the Fifth regiment first came under fire—the skirmish line from the enemy's riflemen—and the main body from shot and shell. The behavior of the regiment in this expedition, and its important service, gained great praise from the commander of the forces. While on this campaign to Manassas the regiment marched one day in rain and mud, sixteen miles on the railroad track—from Union Mills to Fairfax Court-House—and having less than one hour's rest, marched back the same night. The exigency of the case required this severe toil, and the men cheerfully did their duty. It is worthy of note that during this thirty-one days' campaign, without tents; wet, cold, hungry, severely fatigued; we had scarcely any sick men—sometimes not one. It is in camp where soldiers are sick to the greatest extent. Without returning to "Camp California," where our tents and regimental property were left, the regiment proceeded to Alexandria, and on April fourth embarked for the Peninsula. The weather was cold and wet when we reached Ship Point, and the men were obliged to wade ashore from the vessel, and camp in the water—soaked earth—with no tents. My regiment was at once set to work, making "corduroy road" through a swamp, and building bridges. Our daily detail was about five hundred men for the purpose. Added to this hard labor in mud and water, the locality was very unhealthy. Our brigade commander—as he always did—performed his duty for our comfort, and no pains were spared by the regimental officers to look out for the health of their men. To this may be attributed the fact that we had less in hospital at Ship Point than any other regiment in the brigade. In building roads and bridges the men showed their usual good qualities; so much so as to be complimented by the general over us. When the siege of Yorktown opened, the Fifth was sent to join the Engineers' brigade, under General Woodbury. While with this brigade

we constructed two thousand five hundred gabions and a large number of fascines. The regiment also built a tower, one hundred feet high and forty feet base, of heavy timber, for an observatory at general headquarters. This labor was about completed when the enemy evacuated Yorktown.

The march of our regiment to Williamsburgh was a day to be remembered. We started just at dark, in the midst of a severe rain. The road was horrible. Fifty thousand men, with all their wagons and artillery, had passed along that day. The track was bordered by thickets most of the way, and in the centre was a sea of mud, in some places absolutely knee-deep. The night was pitch-dark, and the whole brigade plunged along in the most wretched condition imaginable—halting toward morning in an old corn-field for rest! In a few days we marched back to Yorktown, and on the eleventh of May embarked for West-Point, on the Pamunkey River. From this place we marched to the Chickahominy River, near the enemy. Here the regiment was at once put in fighting order.

On the twenty-fifth of May received orders to report to General Sumner with my whole regiment for fatigue duty. We marched early in the morning, and I was informed by General Sumner that the work was to build a bridge over the Chickahominy branch and river, sufficiently strong for artillery and wagons. On reaching the locality the labor seemed impossible. The swamp was flowed from one to four feet with water, and nearly half a mile wide. On the borders was the channel of the stream—some thirty yards wide, and quite deep. Here a Minnesota regiment had commenced work the day before, but had been ordered away. The swamp was a mass of huge trees, vines, brushwood, and wrecks of old trees and shrubbery. The labor was commenced, and with some assistance from the Sixty-fourth and Sixty-ninth New-York volunteers—small detachments—the bridge, built on piers, all of heavy logs—seventy rods long—was completed at sundown on the evening of May thirtieth—just in time for Sumner's corps to cross the next day in season for Sedgwick's division to check the enemy that evening. Richardson's division did not arrive until later. How much depended upon the bridge, called the "Grape-Vine Bridge," can now be seen! In this great labor the officers and men labored together, often in water waist-deep, with slimy mud and thick brush under foot and around them. Well may it be pronounced one of the most important and arduous labors of the Peninsula campaign.

Reaching the field of battle in the evening, the Fifth was pushed ahead, and formed the advanced-guard and skirmish-line of the army. During the night we discovered the enemy within three hundred yards of us, and took several prisoners. At daylight the commanding officer of the regiment captured a rebel courier with important despatches. The Fifth fired the first and last shot in the great battle of June first, and alone met and drove back a strong column of the ene-

my—fighting them at thirty yards' range; and, although outflanked by the greatly superior numbers of the rebels, causing them to break and retire. Our loss was severe, but we had the satisfaction of having performed our duty without flinching, and added another enduring laurel to the military glory of our State. The colonel and major of the regiment being severely wounded, the command fell to Lieutenant-Colonel Langley. After Fair Oaks the regiment was at once placed in the first line, constantly picketing and skirmishing; losing quite a number of men killed and wounded, until the movement to Harrison's Landing commenced. Nearly all the military property was saved or secured, and the regiment fell back with its brigade, fighting at Savage Station, Peach Orchard, White Oak Swamp, Charles City, and Malvern Hill—being the last regiment that marched off the battle-field. Lieutenant-Colonel Langley being sick most of the time on this march, Captain—now Major—Sturtevant had command. Being in hospital at the time, it was not my fortune to be present with the regiment during the retreat; but I have since heard good accounts from many sources of the patience, courage, and excellent conduct of officers and men.

From Harrison's Landing the regiment marched to Newport News, where I again assumed command, and we soon after sailed to Alexandria, landed, and marched to our old locality—"Camp California."

Nearly one year's active service—battles, sickness, hardship, and the various incidents of war-like life, had now reduced the regiment to about three hundred and fifty men fit for duty, and these were weary, ragged, many of them barefooted, and without overcoats or blankets—only the tattered remainder of their shelter-tents. With only one day allowed for rest, we marched to Arlington Heights, and the next day, about two o'clock, received orders to march, without shelter-tents or blankets, as rapidly as possible to the front, to reinforce General Pope. We marched twenty-three miles without halting but once, and then lay down in rain, on wet ground, to rest. More than twenty of the men had no shoes, and their feet were blistered and bleeding. The next day we were marched to the front, and formed the skirmish-line in front of the enemy, which position we held without relief until the entire army moved away, when we fell back and joined the main body at Fairfax Court-House, being the last regiment that left Centreville; from which place we marched the same day to within a short distance of Chain Bridge—twenty-six miles—without a single straggler, even the bare-footed! This was a hard march. Many officers and men fell asleep as they walked along, and tumbled down. All were exhausted. The next day we marched across the Potomac and camped at Tenallytown, where we hoped for a few days' rest, but in vain!

By dint of hard efforts, a few shoes and some clothing were here obtained, and on the fourth of September we marched for Frederick, Maryland. The weather was very hot and the roads

dusty. After passing through Frederick, we camped near the battle-ground of South-Mountain, but were held in reserve during the battle. On the fifteenth of September Richardson's division crossed South-Mountain in pursuit of the enemy. The Fifth New-Hampshire was ordered to the front and deployed as skirmishers. In this position we drove in the cavalry and light troops of the enemy, and discerned the rebel line of battle, beyond Antietam River. In the pursuit, the regiment captured over sixty prisoners. We might have taken more, but I could not spare men to pursue them. All the remainder of the day, and until night, the Fifth engaged the enemy's sharpshooters—driving them from a strong position. We were not relieved until nearly exhausted. The next day four companies were sent to fight the enemy's riflemen, and prevent their burning an important bridge over the Antietam. Other companies were sent to destroy obstructions in the river. On the seventeenth—the day of the great battle—the Fifth went into the fight with three hundred rifles and nineteen commissioned officers. The regiment behaved nobly; in the language of the official report, "was entitled to the sole credit of discovering and defeating the attempt of the enemy to turn the left flank of Richardson's division. The large State colors of the Fourth North-Carolina regiment which we captured, are now in the War Department. We remained on the field where we fought; assisted to carry off the wounded, and bury the dead; gathered up over four hundred rifles from the field; had no stragglers, nor did we leave behind a man able to march!"

Arriving at Harper's Ferry, we forded the Potomac, and went into camp at Bolivar Heights. My men fought in the battle of Antietam very ragged—more than forty of them without shoes; and I was compelled to equip thirty recruits from the bodies of the slain! On reaching Bolivar Heights, the regiment was at once placed on active duty, and we formed a portion of the advance on Hancock's reconnaissance. Great trouble has been experienced in obtaining supplies. My men have been sent out, even within the past ten days, on picket without overcoats, coats, or blankets. So it has been with half the army. At the time this report is written, the regiment has just received a portion of its winter clothing, but is ready for march or battle. Men have come in from hospital and from detached service, until three hundred can again be taken into the field.

I have thus presented you a narrative of my regiment for its first year. I have no hesitation in saying it has had less recruits, performed more labor, and made more severe marches than any regiment from the State, in the same time; and, to say the least, has fought as well. In whatever position placed, in battle or on the march; enduring hunger, cold, or heat; the regiment has never faltered—never failed to do its duty. A sense of obligation to my officers and men, for their patience, courage, and fortitude, constrains me to bear this testimony to their worth, and

their character as brave soldiers. It is my earnest wish that those who are left of us may live to see the skies of our country no longer darkened with the clouds of war, but radiant and glorious in the sunshine of peace; and I can but feel confident that our native State will honor and cherish the names of those gallant soldiers who have so nobly sustained and brightened her military renown.

I am, very truly, EDWARD E. CROSS,
Colonel Fifth New-Hampshire Volunteers.

To Hon. N. S. BERRY,
Governor of New-Hampshire.

Doc. 72.

THE CAMPAIGN IN KENTUCKY.

OFFICIAL REPORT OF GEN. BUELL.

LOUISVILLE, November 4, 1862.

*General L. Thomas, Adjutant-General U. S. A.,
Washington, D. C. :*

SIR: It is due to the army, which I have commanded for the last twelve months, and perhaps due to myself, that I should make a circumstantial report of its operations, during the past summer.

Such a report requires data not now at hand, and would occupy more time than can be spared at present from the subject of more immediate interest, namely, the operations from Louisville against the rebel forces in Kentucky, under the command of General Bragg. I therefore commence this report from that period, premising only in a general way, that my attention to the condition of affairs in Kentucky was demanded: First, By the minor operations of the enemy; which, by the destruction of the railroad, had completely severed the communications of my army, and left it at a distance of three hundred miles from its base, with very limited supplies; and, Second, By the formidable invasion, which not only threatened the permanent occupation of the State, but exposed the States north of the Ohio River, to invasion.

Leaving a sufficient force to hold Nashville, the remainder of the army under my command was put in march for Kentucky. The rear division left Nashville on the fifteenth, and arrived at Louisville, a distance of one hundred and seventy miles, on the twenty-ninth of September; the advance arrived on the twenty-fifth.

The particulars of the march will, as I have said, be given in a subsequent report, in connection with other matters.

I found, in and about the city, a considerable force of raw troops—hurriedly thrown in from Illinois, Indiana, and Ohio, for the defence of the city against the formidable force that had invaded the State under General Bragg and Kirby Smith—under the command of Major-General Nelson, whose untimely death cannot be too much deplored. These troops had been organized into brigades and divisions, and they had some able and experienced officers in Generals Boyle, Jack-

son, Crafts, Gilbert, Terrill and others. But the troops were as yet undisciplined, unprovided with suitable artillery, and in every way unfit for active operations against a disciplined foe. It was necessary to reorganize the whole force. This was done, as far as possible, by intermixing the new troops with the old, without changing the old organization.

The troops were supplied with shoes and other essentials, of which they were greatly in need, among them certain light cooking utensils, which the men could carry, and dispense with wagons, the allowance of which was reduced to one for each regiment, to carry a few necessary articles for officers, and one for hospital supplies, besides the ambulances.

The army was to have marched on the thirty-first of September, but an order, which was subsequently suspended, relieving me from the command, delayed the movement until the following day.

The army marched on the first ultimo, in five columns. The left moved toward Frankfort, to hold in check the force of the enemy which still remained at or near that place; the other columns, marching by different routes, finally fell, respectively, into the roads leading from Shepherdsville, Mount Washington, Fairfield, and Bloomfield, to Bardstown, where the main force of the enemy, under General Bragg, was known to be—these roads converge upon Bardstown, at an angle of about fifteen degrees from each other.

Skirmishing with the enemy's cavalry and artillery marked the movement from each column from within a few miles of Louisville; it was more stubborn and formidable near Bardstown; but the rear of the enemy's infantry retired from that place eight hours before our arrival, when his rear-guard of cavalry and artillery retreated after a sharp engagement with my cavalry. The pursuit and skirmishing with the enemy's rear-guard continued toward Springfield.

The information which I received indicated that the enemy would concentrate his forces at Danville.

The First corps, under Major-General McCook, was therefore ordered to march from Bloomfield on Harrodsburgh; while the Second corps, under Major-General Crittenden, moved on the Lebanon and Danville road, which passes four miles to the south of Perryville, with a branch to the latter place; and the Third corps, on the direct road to Perryville.

My headquarters moved with the Third or centre corps. Major Thomas, second in command, accompanied the Second or right corps.

After leaving Bardstown, I learned that the force of Kirby Smith had crossed to the west side of the Kentucky River, near Salvisa, and that the enemy was moving to concentrate either at Harrodsburgh or Perryville. General McCook's route was therefore changed from Harrodsburgh to Perryville.

The centre corps arrived on the afternoon of the seventh, and was drawn up in order of battle about three miles from Perryville, where the ene-

my appeared to be in force. The advanced-guard under Captain Gay, consisting of cavalry and artillery, supported toward evening by two regiments of infantry, pressed successfully upon the enemy's rear-guard, to within two miles of the town, against a somewhat stubborn opposition.

The whole army had for three days or more suffered from a scarcity of water; the last day particularly, the troops and animals suffered exceedingly for the want of it, and from hot weather and dusty roads.

In the bed of Doctor's Creek, a tributary of Chaplin River, about two and a half miles from Perryville, some pools of water were discovered, of which the enemy showed a determination to prevent us gaining possession.

The Thirty-sixth brigade, under command of Colonel Daniel McCook, from General Sheridan's division, was ordered forward to seize and hold a commanding position which covered these pools; it executed the order that night, and a supply of bad water was secured for the troops.

On discovering that the enemy was concentrating for battle at Perryville, I sent orders on the night of the seventh to General McCook and General Crittenden to march at three o'clock the following morning, so as to take position respectively, as early as possible, on the right and left of the centre corps, the commanders themselves to report in person for orders on their arrival, my intention being to make the attack that day if possible.

The orders did not reach General McCook until half-past two o'clock, and he marched at five. The Second corps failing to find water at the place where it was expected to encamp on the night of the seventh, had to move off the road for that purpose, and consequently was some six miles or more further off than it would otherwise have been.

The orders did not reach it in time, and these two causes delayed its arrival several hours. Still, it was far enough advanced to have been pressed into the action on the eighth, if the necessity for it had been known early enough.

The engagement, which terminated at night the previous day, was renewed early on the morning of the eighth by an attempt of the enemy to drive the brigade of Colonel McCook from the position taken to cover the water in Doctor's Creek. The design had been discovered, and the divisions of Generals Mitchel and Sheridan were moved into position to defeat it, and hold the ground until the army was prepared to attack in force. A spirited attack was made on Colonel McCook's position, and was handsomely repulsed. Between ten and eleven o'clock the left corps arrived on the Maxville road.

General McCook was instructed to get it promptly into position on the left of the centre corps, and to make a reconnoissance to his front and left. The reconnoissance had been continued by Captain Gay toward his front and right, and sharp firing with artillery was then going on.

I had somewhat expected an attack early in the morning on Gilbert's corps, while it was iso-

lated; but, as it did not take place, no formidable attack was apprehended after the arrival of the left corps. The disposition of the troops was made, mainly, with a view to a combined attack on the enemy's position at daylight the following morning, as the time required to get the troops into position, after the unexpected delay, would probably make it too late to attack that day.

The cannonading, which commenced with the partial engagement in the centre—followed by the reconnoissance of the cavalry under Captain Gay—extended toward the left, and became brisker as the day advanced; but was not supposed to proceed from any serious engagement, as no report to that effect was received. At four o'clock, however, Major-General McCook's Aid-de-camp arrived, and reported to me "that the General was sustaining a severe attack, which he would not be able to withstand, unless reinforced; that his flanks were already giving way." He added, to my astonishment: "That the left corps had actually been engaged in a severe battle for several hours, perhaps since twelve o'clock." It was so difficult to credit the latter, that I thought there must even be some misapprehension in regard to the former. I sent word to him that I should rely on his being able to hold his ground, though I should probably send him reinforcements.

I at once sent orders for two brigades from the centre corps—Schoepff's division—to move promptly to reinforce the left. Orders were also sent to General Crittenden to move a division in to strengthen the centre, and to move with the rest of his corps energetically against the enemy's left flank.

The distance from one flank of the army to the other was not, perhaps, less than six miles, and before the orders could be delivered and the right corps make the attack, night came on and terminated the engagement.

The roads going from Maxville and Springfield enter Perryville at an angle of about fifteen degrees with each other. The road from Lebanon runs nearly parallel to the Springfield road to within five miles of Perryville, and then forks, the left-hand fork going to Perryville, and the right continuing straight on to Danville, leaving Perryville four miles to the north. There is also a direct road from Perryville to Danville. Perryville, Danville, and Harrodsburgh occupy the vertices of an equilateral triangle, and are ten miles apart. Salt River rises midway between Perryville and Danville, and runs northward two miles west of Harrodsburgh. Chaplin Fork rises near, and passes through Perryville, bending in its course so as to run obliquely away from the Maxville and Perryville road, on which the left corps advanced.

Doctor's Creek, running north, crosses the Perryville and Springfield road at right angles, about two and a half miles west of Perryville, and empties into Chaplin Fork about three miles from town. The ground bordering the Chaplin is hilly, with alternate patches of timber and cleared land. The hills, though in some places steep, are generally

practicable for infantry and cavalry, and in many places for artillery.

The ground afforded the enemy great advantages for attacking a force on the Maxville road, taken in the act of forming, as was the case in the battle of the eighth.

General McCook's line was nearly parallel with Chaplin Fork, the right resting on the road, and the left to the north of it. Two of General Rousseau's brigades, the Seventeenth, under Colonel Lytle, and the Fourth, under Colonel Harris, were on the right; then the Thirty-third brigade, under General Terrill, of Jackson's division; then on the extreme left the Twenty-eighth brigade, under Colonel Starkweather of Rousseau's division.

The other brigade of Jackson's division, under Colonel Webster, was at first in the rear of Rousseau's two right brigades, and in the course of the battle was brought into action on the right. General Gilbert's corps was on the right of Rousseau's, but the space between them was somewhat too great; first, Sheridan's division, then Mitchel's and Schoepff's in reserve, opposite the left of the corps.

The fight commenced early in the day, as has been described, with a feeble attack on the centre corps; then later, the attack fell with severity and pertinacity on Rousseau's right brigade; then, somewhat later, on Terrill's brigade, and on Rousseau's third brigade on the extreme left. It was successful against Terrill's brigade, composed of new regiments. The gallant commander of the division, General J. S. Jackson, was killed almost instantly. The heroic young Brigadier Terrill lost his life in endeavoring to rally his troops, and ten pieces of his artillery were left on the ground; two of them were carried off by the enemy next morning; the rest were recovered.

The main weight of the battle thus fell upon the Third division, under General Rousseau.

No troops could have met it with more heroism. The left brigade, compelled at first to fall back somewhat, at length maintained its ground, and repulsed the attack at that point. Taking advantage of the opening between Gilbert's left and Rousseau's right, the enemy pressed his attack at that point with an overwhelming force. Rousseau's right was being turned, and was forced to fall back, which it did in excellent order, until reinforced by Gooding's and Steadman's brigades from Gilbert's corps, when the enemy was repulsed. That result was also promoted by the fire which the artillery of Sheridan's division poured into the enemy's left flank.

Simultaneously with the heaviest attack on Rousseau's division, the enemy made a strong attack on Sheridan's right. Sheridan was reinforced from Mitchel's division by Colonel Carlin's brigade, which charged the enemy with intrepidity, and drove him through the town to his position beyond, capturing in the town two caissons and fifteen wagons loaded with ammunition, and the guard that was with them, consisting of three officers and one hundred and thirty-eight men. This occurred about nightfall, which terminated the battle.

The corps of General Crittenden closed in, and Wagner's brigade of Wood's division became engaged, and did good service on the right of Mitchel's division, but—knowing nothing of the severity of the fight in the extreme left—the rest of the corps did not get into action.

No doubt was entertained that the enemy would endeavor to hold his position. Accordingly orders were sent to the commanders of corps to be prepared to attack at daylight in the morning. They received instructions, in person, at my headquarters that night, except General Crittenden, for whom instructions were given to Major-General Thomas, second in command.

General McCook supposed, from indications in his front, that the enemy would throw a formidable force against his corps, in pursuance of the original attempt to turn our left. He represented also that his corps was very much crippled, the new division of General Jackson having, in fact, almost entirely disappeared as a body. He was instructed to move in during the night and close the opening between his right and General Gilbert's left. His orders for the following day were to hold his position, taking advantage of any opportunity that the events of the day might present.

The corps of Generals Crittenden and Gilbert were to move forward at six o'clock and attack the enemy's front and left flank.

The advance the following morning, in pursuance of these orders, discovered that the enemy's main body had retired during the night, but without any indications of haste or disorder, except that his dead and many of his wounded were left upon the field. The reconnoissance during the day showed that his whole force had fallen back on Harrodsburgh, where the indications seemed to be that he would make a stand.

It will be impossible to form any correct judgment of the operations from this time, particularly, without considering the condition of the two armies and the probable intentions of the enemy.

The rebel army has been driven from the borders of Kentucky without a decisive battle. It is spoken of as if it were a comparatively insignificant force, and pursued by an overwhelming one, which had nothing to do but to send out patrols and gather in the fragments of a routed and disorganized army. The very reverse was the case. The rebel force which invaded Kentucky, at the lowest estimates, has been rated at from fifty-five thousand to sixty-five thousand men.

It was composed of veteran troops, well armed, and thoroughly inured to hardship. Every circumstance of its march, and the concurrent testimony of all who came within reach of its lines, attest that it was under perfect discipline. It had entered Kentucky, with the avowed purpose of holding the State; its commander declared that to be their intention to the last; intercepted communications disclosing their plans, and the disappointment expressed by the Southern press at the result, show that to have been their purpose.

The enterprise certainly seemed desperate, but it was entered upon deliberately; was conducted by the best talent in the rebel service, and there was nothing to indicate that it would be abandoned lightly. Some manoeuvring for advantages, and one decisive battle were to be expected, before Kentucky could be rid of her invaders. Every thing goes to show that the final retreat of the enemy was suddenly determined on, and that it was not at the time to be calculated upon as a matter of course.

Any movement on my part, solely in anticipation of it, would only have turned the enemy in a different direction; and any presumptuous attempt to capture a superior force by detachments, would, according to all probabilities, have been more likely to result in defeat than in success.

The effective force which advanced on Perryville, on the seventh and eighth, under my command, was about fifty-eight thousand infantry, artillery and cavalry. Of these about twenty-two thousand were raw troops, with very little instruction or none at all. The reports show an actual loss of upward of four thousand killed, wounded and missing in the battle; which would leave the effective force about fifty-four thousand after it. I did not hesitate, therefore, after crossing Chaplin River, and finding the enemy had fallen back, to await the arrival of General Sill's division, which had marched to Frankfort, and which had been ordered to join *via* Lawrenceburg and Chaplinton, when it was ascertained that Kirby Smith's force had marched to form a junction with Bragg.

That division in the march from Louisville, encountered a strong outpost of the enemy on the Frankfort road about twelve miles out, and skirmishing was kept up until its arrival at Frankfort. It was followed closely by the division of General Dumont, which remained at Frankfort. In marching from Frankfort to join the main body, Sill's division was attacked near Lawrenceburg by a portion of Kirby Smith's force, which it drove off, and then continued its march, arriving at Perryville on the evening of the eleventh. Pending its arrival, the army took position, with its right four miles from Danville, its centre on the Perryville and Harrodsburgh pike, and the left near Dicksville on the roads converging on Harrodsburgh.

On the eleventh, three brigades from Crittenden's and Gilbert's corps, with Gay's and Colonel McCook's cavalry brigades, were sent out to reconnoitre the enemy's position. He was found in some force two miles south of Harrodsburgh, in the morning, but retired during the day, and his rear-guard was driven out in the evening with the loss of some stores and about one thousand two hundred prisoners, mostly sick and wounded.

It was probable he would retire his whole force to Camp Dick Robinson, though it was not certainly ascertained what portion of it had crossed Dick's River. To compel him at once to take one side or the other, and either give battle

on this side, or be prevented from re-crossing to attack our communications, when a move was made to turn his position, the left corps moved on the twelfth to Harrodsburgh, (General Sill's division having arrived the night before,) the right corps moving forward and resting near and to the left of Danville; and the centre midway on the Danville and Harrodsburgh road; while a strong reconnoissance was sent forward to the crossing of Dick's River. The enemy was found to have crossed with his whole force.

The ground between the Kentucky River and Dick's River, as a military position, is rendered almost impregnable on the north and west by the rocky cliffs which border those streams, and which are only passable at a few points — easily defended. Such is the character of Dick's River from its mouth to where the Danville and Lexington road crosses it, a distance of about twelve miles.

It could only be reached by turning to the south, while the passes to the west, by which our lines of communication would be exposed, were suitably guarded. The army was moving with that view, when I learned, on the evening of the thirteenth instant, at Danville, that the enemy was retiring from his position toward the south. Pursuit was immediately ordered for the purpose of retaking or intercepting him if he should attempt to pass toward Somerset.

General Wood's division marched at twelve o'clock that night, and engaged the enemy's cavalry and artillery at Stanford at daylight the next morning. The remainder of General Crittenden's corps and General McCook's corps followed on that road, and General Gilbert's marched on the Lancaster road. The enemy kept the road toward Cumberland Gap, opposing with cavalry and artillery the advance of both the pursuing columns, which, however, advanced steadily.

At Crab Orchard the character of the country suddenly changes. It becomes rough and barren, affording scarcely more than enough corn for its sparse population; and the road passes through defiles, where a small force can resist, with great effect, a large one—where, in fact, the use of a large force is impracticable. The little forage the country afforded was consumed by the enemy in his retreat, rendering it impossible to subsist any considerable number of animals. The corps of Generals Gilbert and McCook were therefore halted at Crab Orchard, while that of General Crittenden, with General W. S. Smith's division in advance, continued the pursuit as far as London, on the direct road, and on the branch road to Manchester.

I have not received the formal report of the operations of this corps, but the pursuit was conducted by its commander, according to my orders, with judgment and energy. The road was cleared of the trees felled across it by the enemy, and his rear-guard attacked successfully at several points. Some prisoners were taken, and about three hundred head of cattle, and other property, to no very great amount, captured.

It was not expedient to continue the pursuit

beyond London; partly because it was impracticable in a manner to afford any material advantage; partly, because, without advantage, it took the troops out of the way when they were likely to be required elsewhere. They were therefore promptly turned upon other routes toward Tennessee. A portion were to be at Bowling Green, and the rest at Glasgow, on the thirty-first ult., and thence continue their march by certain routes. At that position I relinquished the command of the army, on the thirtieth, to Major-General Rosecrans, in obedience to instructions from the General-in-Chief.

In the mean time, the railroads which had been broken up by the enemy, and suspended for two months, had been repaired as far as Bowling Green, to carry forward supplies.

I have no means, at this time, of reporting the casualties that occurred in the minor engagements or skirmishes that took place during the campaign; nor is it possible for me to do justice to the services of the officers and soldiers engaged in them, as the subsequent movement of the troops, and my separation from them, have prevented me from obtaining detailed reports, except concerning the battle of the eighth. The particulars referred to outside of the battle are based upon the brief and sometimes oral reports made at the time, and are unavoidably less complete and definite than I could wish. For the same reason, many such I am unable to mention at all.

In regard to the battle of the eighth, the reports of the several commanders go much more into detail than is necessary in this report, and I beg leave to commend them to your consideration, especially in relation to the services of many officers, whose names are not herein mentioned. Where I have mentioned troops by the name of their commander, unless otherwise expressed, I wish to be understood as commending him for their good conduct.

The daily services of officers in an active campaign, though less brilliant, are often more arduous and important than those of the battle-field; and in this respect, also, the commanders of corps—Major-General McCook, Major-General Crittenden, and Brigadier-General Gilbert, are entitled to my thanks, and the approbation of the Government. This commendation should extend, also, to many other officers in proportion to their responsibilities, particularly to the commanders of divisions.

I am indebted in the highest degree to the members of my staff for their assistance—especially to my Chief of Staff, Colonel James B. Fry, whose efficient aid I have had during the whole period of my command in Kentucky and Tennessee. The difficult and responsible duty of supplying a large force by wagon transportation over a line of about one hundred and forty miles, was ably performed by Captain J. G. Chandler, Chief Quartermaster, and Captain Francis Darr, Chief Commissary.

Captain H. C. Bankhead, Acting Inspector-General, Captain J. H. Gilman, Chief of Artillery

and Acting Ordnance Officer, and Captain N. Michler, of Topographical Engineers, discharged their duties in the most satisfactory manner. At Perryville they were active and useful in reconnoitring the ground, with a view to posting troops for battle. Major J. M. Wright, Assistant Adjutant-General, Lieutenant C. L. Fitzhugh, Aid-de-Camp, and Lieutenant F. J. Bush, Aid-de-Camp, carried my orders to different posts during the eighth, and at all times performed their duties with intelligence and zeal.

The duties of his office have been ably and faithfully performed by Surgeon Robert Murray, the Medical Director.

The intelligent officers of the signal corps, Captain Jesse Merrill and Lieutenants Meeker, Sheridan, and Fitch, attached to my headquarters, rendered good service at Perryville and other points. Private Oakford, of the Anderson Troop, in carrying orders late on the evening of the eighth, fell into the enemy's lines, and was captured, but had the presence of mind to destroy his despatches. I cannot omit to make honorable mention of the Michigan regiment of mechanics and engineers. It has not only rendered invaluable service in its appropriate duties during the past year, but at Chaplin Hills, and on other occasions, it has, in whole or in part, gallantly engaged the enemy. I especially commend Colonel Innes, Lieutenant-Colonel Hunton, and Major Hopkins, for the efficient services of this fine regiment.

The cavalry, under Colonel John Kennett, Fourth Ohio, commanding a division; Colonel Lewis Zahm, Third Ohio, commanding a brigade; Colonel E. L. McCook, Second Indiana, commanding a brigade; and Captain E. Gay, commanding a brigade, rendered excellent service. The brigade of Captain Gay was conducted with gallantry and effect by that officer, at Perryville, on the seventh and eighth. The other brigades were not in the battle, but came in contact with the enemy on other occasions, during the campaign. When the army marched on Louisville they were left on the south side of Salt River, under the command of Colonel Kennett, to escort the train of the army from Bowling Green, and watch the enemy in the direction of Bardstown.

The train was conducted in the most successful manner by Colonel Zahm. The brigade of Colonel E. L. McCook also acquitted itself in the most satisfactory manner. A portion of it, under Lieutenant-Colonel R. R. Stewart, of the Second Indiana cavalry, captured Colonel Crawford and the principal part of his regiment of Georgia cavalry, near New-Haven, on the twenty-ninth of September.

Colonel Kennett, with Colonel McCook's brigade, rejoined the army at Bardstown on the fifth; Colonel Zahm marched across from the mouth of Salt River to join the column at Frankfort, thence to the main body at Danville.

The campaign whose history I have sketched, occupied a period of about twenty days. The result can be stated in a few words:

An army prepared for the conquest and occu-

pation of Kentucky, with full knowledge of our means of resistance, and with a confident expectation of prevailing over them, has been driven back, baffled and dispirited, from the borders of the State. It is true, that only one serious battle has been fought, and that was incomplete and less decisive than it might have been.

That it was so is due partly to unavoidable difficulties, which prevented the troops marching on different roads from getting upon the ground simultaneously; but more to the fact that I was not apprised early enough of the condition of affairs on my left. I can find no fault with the former, nor am I disposed at this time to censure the latter, though it must be admitted to have been a grave error. I ascribe it to the too great confidence of the General commanding the left corps, (Major-General McCook,) which made him believe that he could manage the difficulty without the aid or control of his commander.

As before stated, there was skirmishing along the whole front, but after a certain hour, for the reason stated, no general engagement was anticipated that day, and no sound of musketry reached my headquarters by which the sharpness of the action on the left could be known or even suspected; and when the fact was ascertained, it was too late to do more than throw in succor before night set in. But although this lack of information was attended with disappointment, and unfortunate consequences, yet the unequal struggle was marked by no disaster, and conspicuously displayed the courage and discipline of the troops.

From first to last, I suppose four or five thousand prisoners, sick, wounded, and well, were taken; and at various points some stores and property fell into our hands, among them twenty-five thousand barrels pork, and two pieces of cannon abandoned by the enemy at Camp Dick Robinson. I do not believe that he carried off in his retreat any large amount of stores; he may have sent off a good deal from first to last, while he was in quiet occupation of so much of the State.

The reports show a loss of nine hundred and sixteen killed, two thousand nine hundred and forty-three wounded, and four hundred and eighty-nine missing; total, four thousand three hundred and forty-eight in the battle of the eighth. It included many valuable lives. The loss of such men as James P. Jackson, William R. Terrill, George P. Jouett, George Webster, W. P. Campbell, Alexander D. Berryhill, and John Harrell, would be mourned in any army and any cause where true manliness and earnest devotion are appreciated.

I inclose herewith the reports of subordinate commanders, as far as received, and a map showing the lines of operation of the army.

Major-General Thomas acted as second in command during the campaign, and I am indebted to him for the most valuable assistance.

Very respectfully, your obedient servant,

D. C. BURELL,
Major-General.

Doc. 73.

SECRETARY STANTON'S REPORT.

WAR DEPARTMENT, November 29, 1862.

SIR: That portion of the United States which is now, or has been during the last year, the scene of military operations is comprised within ten military departments. The armies operating in these departments, according to recent official returns, constitute a force of seven hundred and seventy-five thousand three hundred and thirty-six officers and privates, fully armed and equipped. Since the date of the returns this number has been increased to over eight hundred thousand men. When the quotas are filled up the force will number a million of men, and the estimates for next year are based upon that number.

The Middle department, comprising the States of Pennsylvania, Maryland, New-Jersey, and Delaware, and the department of Virginia, have been the scene of important military operations, concerning which detailed reports have not yet been made by the commanding generals to this department. Your knowledge of the character and results of these operations dispenses with the necessity for any review until the final reports are made.

The preliminary reports of Major-General McClellan of the battles before Richmond, and of the battles of Antietam and South-Mountain, and the report of the General-in-Chief, are submitted.

The communications between this department and the respective commanders were prepared under a resolution of the Senate at the last session, and will be transmitted to Congress whenever you shall be pleased to give your sanction.

The report of General Halleck, the General-in-Chief, exhibits the operations in these departments since the twenty-third of July, the date at which, under your order, he assumed command of all the armies of the United States.

If the campaigns of the armies in these departments have not equalled in their results the expectations of the Government and the public hope, still they have not been unproductive of good result. The valor of our troops has been displayed upon many occasions, and the skill and gallantry of their officers have been distinguished at Yorktown, Williamsburgh, Fair Oaks, Gaines's Mill, Malvern Hill, Cross Keys, Cedar Mountain, Chantilly, and other places enumerated in the reports herewith submitted.

The invading army which recently threatened the capital and the borders of Maryland and Pennsylvania, has been driven back beyond the Rapahannock; Norfolk, captured by Major-General Wool, is in our possession; Suffolk and Yorktown are held; a strong army corps, under its vigilant and efficient commander, Major-General Dix, at Fortress Monroe, threatens and harasses the enemy; and, what is especially gratifying, it has been proved that the loyalty of the State of Maryland cannot be shaken, even by the presence of a rebel army.

The official reports received at this department

show that the military operations in the West during the past year have been both active and successful.

The beginning of last winter found the rebel armies of Price and McCulloch in the possession of all the north-western portion of Missouri, while many of the counties north of the Missouri River were in a state of insurrection. Our forces were concentrated at Rolla and Sedalia. As soon as the rebels could be driven from the northern counties, and our armies reorganized, active operations were commenced, notwithstanding the inclemency of the season and the bad condition of the roads. On the eighteenth of December a considerable number of the enemy were cut off and captured, while on their way to join Price on the Osage River. The forces at Rolla, under General Curtis, moved toward Springfield, which compelled Price to fall back into Arkansas, where he was joined by Van Dorn. A severe battle was fought at Pea Ridge, Arkansas, on the sixth, seventh, and eighth of March, between the combined armies of the enemy and General Curtis's force, in which the latter gained a complete and decisive victory.

The gunboats, under Flag-Officer Foote, and the troops at Cairo, under General Grant, moved up the Tennessee River for the reduction of Forts Henry and Donelson. While Grant's troops were marching to surround the former place, it was attacked by the gunboats and reduced on the sixth of February, after a short but severe engagement. General Grant then marched across the peninsula and attacked Fort Donelson. After several days' hard fighting that place also capitulated on the sixteenth, with its armament and garrison, except a small force which crossed the Cumberland in the night and effected their escape. This victory caused the immediate evacuation of Bowling Green and Nashville, and soon after of Columbus and the greater part of Middle Tennessee.

While Grant and Buell were concentrating their armies on the Tennessee River, near the head of navigation and great lines of railroad communication, General Pope moved down the west bank of the Mississippi, captured New-Madrid, and crossing the river below the enemy's batteries on and near Island No. 10, compelled the garrison to capitulate on the seventh and eighth of April. General Grant had crossed the Tennessee and taken position at Pittsburgh Landing, in anticipation of the arrival of Buell.

The enemy advanced from Corinth, and attacked Grant on the morning of the sixth of April. A severe battle ensued, which continued till dark, the left of our line being driven back nearly to the river. A portion of Buell's forces arrived in the afternoon and during the night, and the battle was resumed at daylight on the morning of the seventh.

The enemy were driven back at every point, and in the afternoon fled from the field, leaving their dead and many of their wounded in our hands.

Finding that the armies of Price and Van Dorn

had been withdrawn from Arkansas to Corinth, and all the available troops of the enemy at the South-West concentrated at that place, orders were sent for General Pope and a part of General Curtis's troops to reinforce our army on the Tennessee. The latter had long and difficult marches to make, and did not reach their destination till the latter part of May. As the enemy's position at Corinth was strongly fortified and very difficult of attack at that season of the year, on account of the deep marshes by which it was surrounded, General Halleck, while awaiting the arrival of reinforcements from Missouri, approached the front by means of trenches, and movable forces were sent out to cut the railroads on the flanks. By the twenty-ninth of May, three of the four railroads running from Corinth had been destroyed, and heavy batteries established within breaching distance of the enemy's works, ready to open fire the next morning. The enemy evacuated the place in the night, destroying the bridges and breaking up the roads in his rear. As all the streams were bordered by deep and impassable marshes, the enemy could not be pursued without rebuilding the bridges and reopening the roads. The corps of Buell and Pope followed the enemy about fifty miles into the swamps of Mississippi, capturing a considerable number of stragglers and deserters, when the want of supplies compelled them to discontinue the pursuit. The reduction of Corinth caused the immediate evacuation of Forts Pillow and Randolph and the city of Memphis. The flotta and ram-fleet attacked and destroyed the enemy's gunboats, opening the Mississippi River to Vicksburgh.

Meanwhile General Curtis, with the remainder of his army, marched through the north-east part of Arkansas, and, after several successful engagements, reached Helena, where he established a dépôt of supplies for future operations.

General Buell had, during the autumn of 1861, collected a large force at Louisville and in other parts of Kentucky. While his main army advanced toward Bowling Green, General Thomas's command was pushed forward to the Upper Cumberland. On the nineteenth of January he encountered the forces of Zollicoffer, and after a severe battle at Mill Springs, defeated and utterly routed them. On the evacuation of Bowling Green and Nashville, General Buell's army pursued the enemy to Murfreesboro and Columbia, and from the latter place the main body was marched to Savannah and Pittsburgh Landing.

The great mass of the enemy's forces in the South-West being at this time concentrated in the vicinity of Corinth, the division of General Mitchel advanced to Decatur, in Alabama, and afterward occupied most of the country in the direction of Chattanooga. The column of General G. W. Morgan, after several engagements with the enemy in the vicinity of Cumberland Gap, took possession of that important place. The later operations in the West are described in the report of the General-in-Chief.

Four military departments are now organized

in the territory where these operations were carried on, namely, the departments of the Ohio, of the Mississippi, of the Tennessee, and of the Cumberland, and their present military condition will hereafter be noticed.

In the department of North-Carolina the successful expedition of Major-General Burnside, by the occupation of Roanoke Island, Newbern, and the reduction of Fort Macon, struck a heavy blow, and under a Military Governor—the Hon. Edward Stanly—the protection of the laws has been extended to the loyal inhabitants of that State, and facility afforded for organizing a civil government and casting off the rebel yoke.

In the department of the South active operations have been for a time suspended by the presence of yellow fever, and by the death of Major-General Mitchel, the late gallant commander of that department. A premature attack upon Charleston against the orders of the then commanding general, resulted in the failure that was apprehended by him. The capture of Fort Pulaski, by Major-General Hunter, has effectually closed the port of Savannah, and the Government securely holds Hilton Head and Beaufort. The enemy was forced to abandon the siege of Fort Pickens, and other portions of Florida are in our occupation. A recent expedition along the coast was attended with success, detailed in the report of the General-in-Chief.

In the department of the Gulf the operations of Major-General Butler have been distinguished by great energy and ability. The occupation of New-Orleans and the control of the mouth of the Mississippi have been among the most brilliant and important results of the war. The period is believed to be not far distant when all the rebel forces will be driven from the banks of the Mississippi, and the navigation of that river rendered secure.

The recent operations in the department of the Missouri are detailed in the report of the General-in-Chief. The State of Missouri is believed to be secure against any aggression by the enemy; and in the State of Arkansas the dispersion of the rebel forces will enable the Military Governor of that State to take proper measures for the restoration of the civil authority of the United States within its borders.

The department of the North-West, embracing the States of Iowa, Minnesota, Wisconsin, and the Territory of Dakota, was organized for the emergency occasioned by an Indian outbreak, and placed under command of Major-General John Pope. The Indian hostilities have been suppressed, and further trouble from that source is not apprehended. Such force as may be deemed requisite by the military authorities will be held in readiness for any sudden necessity.

The Indian hostilities in Minnesota, by whomsoever instigated, seem to have been accompanied with more than usual cruelty and outrage. Heavy losses in property are said to have been endured by the inhabitants, and application has been made to the department for compensation. As it has no funds applicable to that purpose, nor

authority to assess the damages, the subject will require Congressional action. Three hundred captured Indians have been tried by court-martial, and their sentence of death is now under your consideration.

The rebels, under Sibley, were driven from the department of New-Mexico by General Canby, and the force in that department, now under command of General Carlton, will be able to protect the inhabitants of that remote territory.

The department of the Pacific has been free from any of the calamities occasioned by the rebellion, but an earnest and deep sympathy has been manifested by the loyal citizens of the Pacific States in support of the Union cause. Volunteers have come forward to fill the ranks of the army, and with unparalleled liberality large sums of money have been transmitted by humane and loyal citizens of California for the relief of our sick and wounded soldiers. The patriotic loyalty of our brethren on the Pacific, thus humanely exhibited, evinces their estimate of the value of the Union, and their willingness to share the burden of maintaining it from sea to sea.

In the department of the Ohio the invasion of Kentucky by General Bragg, the terrible battle of Perryville, and the escape of Bragg's army, were events that pressed heavily upon the Government, and moved deeply the hearts of the people, especially in the Western States. These events are about to undergo investigation, and when the causes to which they are attributable are judicially ascertained, they will be laid before you for your action. Recent events prove that whatever hold the spirit of rebellion may once have had in Kentucky, it is now to be reckoned as a State loyal and steadfast to the Union.

The department of the Tennessee is now under command of Major-General Grant. The principal operations in that department have already been alluded to, and are detailed in the report of the General-in-Chief. Their importance cannot be over-estimated. The occupation of Memphis—next to New-Orleans the principal mart on the Mississippi—and the wise and vigorous measures of Major-General Sherman, commanding there, have opened a market for cotton and other Southern products, the beneficial effects of which are already felt in the reviving commerce of the country.

The department of the Cumberland, embracing that portion of the State of Tennessee east of the Tennessee River, and the Cumberland Gap, was placed, upon the removal of General Buell, in command of Major-General Rosecrans. Having a well-disciplined and gallant army under his command, a proper degree of diligence and activity cannot fail to exercise an important influence upon the speedy termination of the war.

From a survey of the whole field of operations, it is apparent that whatever disasters our arms may have suffered at particular points, a great advance has nevertheless been made since the commencement of the war. When it began, the enemy were in possession of Norfolk, and every

port of the Southern coast. They held the Mississippi, from Cairo to New-Orleans. Now, the blocked ports of Charleston and Mobile only remain to them on the seaboard; and New-Orleans and Memphis have been wrested from them. Their possession of Vicksburgh obstructs the Mississippi, but it is to them of no commercial use. Their strongholds on the Tennessee and Cumberland Rivers have been captured. General Andrew Johnson, as Military Governor of Tennessee, holds Nashville. The enemy have been driven from Kentucky, West-Tennessee, Missouri, part of Arkansas; are fleeing before Grant in Mississippi, and all their hopes of Maryland are cut off. In commercial, political, and strategical points of view, more success has attended the Union cause than was ever witnessed upon so large a theatre, in the same brief period, against so formidable an enemy.

The Union forces are now in the field, under able commanders, stronger than ever, resolute and eager to be led against the enemy, and to crush the rebellion by a vigorous winter campaign. The armies of the Potomac and of the West stand ready to vie with each other in quickest and heaviest blows against the enemy. Taught by experience the ruin of inaction and the hazard of delay, a spirit of earnest activity seems to pervade the forces of the United States beyond what has hitherto been exhibited. In the numerous battles and engagements that have occurred, our armies in general display the courage and determination that should inspire officers and soldiers fighting in defence of their government. Many gallant lives have been lost, and many brave and distinguished officers have fallen. For the dead deep sorrow is felt by the Government and people of the United States. A detailed report of those who have fallen in battle, or have distinguished themselves in the field, will be presented to you as soon as all the necessary official reports can be obtained. Some promotions in reward of gallant service have already been made from the ranks, and to high command; others have been delayed for want of the reports of subordinate commanders, in order that promotion may be governed, not by partiality or prejudice, but upon due consideration of relative merit. By a resolution of Congress, passed at the last session, the President was authorized to distribute two thousand medals to private soldiers of distinguished merit. From different specimens a selection has been made, and the medals are to be ready in January for distribution.

The reports of the Adjutant-General, Quartermaster-General, Commissary-General, Chief of Ordnance, Chief of Engineers, Chief of Topographical Engineers, Paymaster-General, and Surgeon-General, herewith submitted, show the operations of the respective bureaus of this department during the past year. Some of them contain details and information which, for obvious reasons, ought not to be placed by publication at present within the reach of the enemy. Whatever details relating to the public security contained in these reports, and not herein stated,

S. D. 25.

which may be required for the information of Congress or Congressional committees, will be furnished under your direction.

The Adjutant-General's office is charged, among other important duties, with the business relating to enlistments, recruiting, and drafting militia. Under your calls of July and August there are already in the field over four hundred and twenty thousand new troops, of which three hundred and ninety-nine thousand (399,000) are volunteers, three hundred and thirty-two thousand (332,000) of whom have volunteered for three years or during the war. It will be remembered that the call was made at one of those periods of despondency which occur in every national struggle. A chief hope of those who set the rebellion on foot was for aid and comfort from disloyal sympathizers in the Northern States, whose efforts were relied upon to divide and distract the people of the North, and prevent them from putting forth their whole strength to preserve the national existence. The call for volunteers and a draft of the militia afforded an occasion for disloyal persons to accomplish their evil purposes by discouraging enlistments, and encouraging opposition to the war and the draft of soldiers to carry it on.

Anxiety was felt in some States at the probable success of these disloyal practices, and the Government was urged to adopt measures of protection by temporary restraint of those engaged in these hostile acts. To that end Provost-Marshal were appointed for some of the States, upon the nomination of their Governors, to act under the direction of the State Executive, and the writ of *habeas corpus* was suspended by your order. By order of the department, arrests were forbidden unless authorized by the State Executive or by the Judge-Advocate. Some instances of unauthorized arrests have occurred, and when brought to the notice of the department, the parties have been immediately discharged. By a recent order, all persons arrested for discouraging enlistments, or for disloyal practices, in States where the quotas of volunteers and militia are filled up, have been released. Other persons arrested by military commanders and sent from departments where their presence was deemed dangerous to the public safety, have been discharged upon parole to be of good behavior, and do no act of hostility against the Government of the United States.

While military arrests of disloyal persons form the subject of complaint in some States, the discharge of such persons is complained of in other States.

It has been the aim of the department to avoid any encroachments upon individual rights as far as might be consistent with public safety and the preservation of the Government. But reflecting minds will perceive that no greater encouragement can be given to the enemy, no more dangerous act of hostility can be perpetrated in this war, than efforts to prevent recruiting and enlistments for the armies, upon whose strength national existence depends. The expectations of

the rebel leaders, and their sympathizers in loyal States, that the call for volunteers would not be answered, and that the draft could not be enforced, have failed, and nothing is left but to clamor at the means by which their hopes are frustrated, and to strive to disarm the Government in future, if, in the chances of war, another occasion for increasing the military force should arise.

Beside aiding State authorities respecting draft and enlistment, another important duty is assigned to the Provost-Marshals. The army returns and the report of the General-in-Chief show that a large number of officers and enlisted soldiers who are drawing pay and rations are improperly absent from their posts. The pursuit of such persons, and their compulsory return to duty, is a necessary function of a Provost-Marshal, and such number only as may be required for that purpose will be retained in the service. The pay and bounty allowed by act of Congress to recruits have offered strong temptations to practise fraud upon the Government by false returns upon the muster-rolls, and false charges for subsistence. Diligent efforts are being made for the detection of all such practices, and to bring the guilty parties—some of whom have held respectable stations in society—before a proper civil or military tribunal as soon as the necessary preliminary investigations by the Judge-Advocate can be completed. The same course is being pursued in respect to fraudulent contractors and disbursing officers.

The expenditures for enlistments, recruiting, drilling, and subsistence of volunteers, regulars and militia, amounts to the sum of twenty million six hundred and ninety-two thousand two hundred and eighty-two dollars and ninety-nine cents, (\$20,692,282.99.)

In some States the whole quota of volunteers and militia called for was entirely filled up by volunteers without draft. In some the whole number of volunteers was raised, and a part of the militia. Other States are deficient in volunteers, and have not yet made their draft, but have taken measures for that purpose. Illinois and Iowa have furnished more volunteers than their quota under both calls. The general acquiescence of all the loyal States in the measures deemed necessary to strengthen the armies and prosecute the war, at every hazard, to final success, proves the fidelity of the people to the Government, and their determination to maintain its unity and uphold its authority over the whole territory of the United States. Wherever any forcible opposition to the draft has appeared, it was confined to narrow limits, and was suppressed by the action of the State authorities, through the Provost-Marshals, without the intervention of any armed force of the general Government.

The advantage of filling up the old regiments is shown by many considerations. Various expedients have been adopted to accomplish that object. The official returns show that since the call for volunteers forty-nine thousand nine hundred and ninety (49,990) recruits have been add-

ed to the old regiments. By the aid of some legislation it is hoped that this important object may be effectually attained.

The Adjutant-General's office has also had charge of the exchange of prisoners. In the month of July a cartel of exchange was arranged by General John A. Dix, on the part of the United States, and General Hill of the rebel army, under which large numbers of prisoners of war have been exchanged. There still remain some paroled prisoners belonging to the United States army whose exchange will be effected at the earliest opportunity.

Experience has shown that serious defects exist in the militia law, which should be promptly remedied, and that the laws in relation to volunteers also need amendment. The views of the department on these subjects will be communicated to the appropriate committees of Congress. The patriotic zeal and efficient aid cordially rendered by the respective Governors of the loyal States in the laborious and complicated duties pertaining to raising the volunteers and making the draft, are thankfully acknowledged by this department.

One of the principal bureaus of this department in respect to the amount of expenditure and the magnitude of operations, as well as their influence upon military movements, is that of the Quartermaster-General. His able and elaborate report will be found worthy of your special observation. It presents a general statement of the operations of the department under his charge during the fiscal year. The clothing and equipage of the army; all that relates to its shelter in camp, in barracks or on the march; the organization, equipment and care of the baggage and supply trains; the purchase and character of transports; the transportation of troops and supplies of all kinds; the repair and reconstruction of bridges, railroads, and common roads; the supply of forage for the army, of horses for the cavalry and artillery; of harness, except for the cavalry and artillery; of wagons, ambulances, hospital transport-carts, and all the vehicles of the trains, except artillery carriages and caissons; the supply of labor other than that of troops; the payment of soldiers on extra duty; the erection of barracks, hospitals and stables; the supply of tents; the care of refugees and prisoners; and generally all the expenses attending the operations and movements of an army not specifically assigned to some other department, fall within the duties of the Quartermaster's department.

The extent of the issues of some of the most important materials of war are set forth in tables attached to the report. A full statement of the expenditures of the fiscal year is given; and it will be seen that while the army is reported to have been successfully and promptly furnished with all supplies which it is the duty of the Quartermaster's department to provide, the department has not had at its command facilities for completing as promptly as the interest of the Government and of the officer requires, the

examination of the voluminous accounts of its disbursing agents.

The magnitude of the operations for the supply of the army are set forth in the report, with remarks upon the means of reducing expenditures, and providing for a more speedy settlement of accounts, and a more strict accountability for public money and property.

It will be seen that the Quartermaster's department upon which, under the law of seventeenth July, providing for the employment of colored persons, the charge of such persons is chiefly imposed, has not found itself burdened with their care, but that it has, on the contrary, derived valuable aid from their labor, and in a considerable portion of its field of operations has thus far suffered from a scant rather than from too great a supply of such labor. In Louisiana, where, at one time, there were apprehensions of embarrassment from the number of refugees, the reserve of a tract of rich land along the railroad to Berwick's Bay, opens up a territory in which many thousands can be profitably employed, if placed under proper regulation and control. At Port Royal such persons have been extensively employed in the work of the Quartermaster's department and in cultivating some thousands of acres of the sea islands of the coast, the products of which are used in the support of themselves and families. In the operations of the army on the James River, and upon the Potomac, in the fortifications of Washington, and as laborers, teamsters, hostlers, in the landing and shipping of stores, they have been of great service; and the demand for their labor has exceeded the supply available.

The successful movements of the various expeditions by sea, the transportation of such large bodies of troops, and their regular supply at distant points of the coast, afford striking proofs of the greatness of the military resources of the nation. These movements have been upon a scale of great magnitude. The collection of the vast armies which have been raised, and their transport to the field of operation in so brief a period, would not have been possible but for the extent of our system of steam transport by railroad, river, and sea. It has not been found necessary to exercise within the loyal States the power conferred upon the President by law to take actual military possession of the railroads of the country. The various companies met in convention in this city, and united in proposing a uniform tariff for Government transportation, which appears just and equitable, and they have performed all the services required of them by the department with a promptness, efficiency, and cheerfulness which do honor to the patriotism of their managers.

Upon the railroads within the sphere of active hostilities the war has borne with crushing severity. Some, as the Baltimore and Ohio Railroad, the Louisville and Nashville Railroad, and the Missouri railroads, have, with great energy, repaired their bridges, restored their tracks, and replaced their rolling stock at their own expense. Others, abandoned by their disloyal owners and

managers, have been taken possession of, and repaired, stocked and managed by the Quartermaster's department. These works have involved great expenditures, but they were indispensable to the supply of the army, and less costly than the preparation, if that had been possible, of any other sufficient means of transportation.

The Quartermaster's department constructed during the fiscal year a fleet of iron-clad gunboats and of steam rams, which was officered and manned by the Navy department and the War department conjointly, and which has proved most efficient as an aid in the military operations which restored to the Government the control over the greater part of the Western rivers. Under the law of sixteenth July last, the gunboat fleet has been entirely transferred to the Navy department. The fleet of steam rams still remains in charge of this department.

Your attention is invited to the increase of the force in the Engineer, Ordnance, and Quartermaster's departments proposed by a bill which passed the House of Representatives on the ninth of July last, and which is among the unfinished business of the last session. It is believed that, if it becomes a law, the efficiency and usefulness of these several important departments of the army will be increased. The necessity of providing more room for the records and examining officers of the Quartermaster's bureau by the extension of Winder's Building is also respectfully suggested to your attention.

The Commissary of Subsistence reports that the armies throughout our extensive territory have been supplied with good and wholesome subsistence, generally by advertisement for bids in the cities of Boston, New-York, Philadelphia, Cincinnati, Louisville, Baltimore, St. Louis, and San Francisco. Fresh beef has generally been supplied to our armies in the field on the hoof, and in larger proportion of the ration to marching columns, to lessen, as far as possible, the quantity of transportation required. The troops on the coast of the Carolinas, and at the Gulf posts, including New-Orleans, have received their fresh beef by shipment from New-York; it is hoped that during the coming year it may be procured from Texas.

In addition to the troops, subsistence has been furnished to all political prisoners and prisoners of war, to a large number of contrabands, and to the suffering Union inhabitants found in the march of our armies in the Confederate States. In a late report of the General-in-Chief to this department, it is said that no armies of the world are so well supplied as the armies of the United States.

The Ordnance bureau, as appears from the report of its chief, has displayed a vigor and activity unsurpassed by any other department. Notwithstanding the extraordinary demand occasioned by the new levies and enormous loss of arms by the casualties of war, and, in some instances, by the misconduct of officers and men, this bureau has supplied every call, and has been able to arm

over four hundred thousand new troops suddenly called into the field. The first class of arms has been apportioned among the troops of the respective States, and just equality of distribution has been the rule of the department. A great diversity of opinion prevails in respect to arms, and often with little reason. The department has aimed, as far as possible, to gratify the choice of every one, and where that could not be done, the troops have in general readily acquiesced in the necessity of the case, relying on the department for exchange when it should be able to make one. You will perceive, by the report as to the production of our armories, that the time is not far distant when the Government will be able to place, from its own manufactories, the best arms in the hands of every soldier. The report also shows what provision has been made for supplies of gunpowder, saltpetre materials, and munitions of war of every description.

Every means the country affords has been put forth to complete the armament of our forts and fortifications for the defence of harbors and coasts, as is shown by the report of this bureau. These details are, for obvious reasons, not now stated, and the legislation required by this branch of the service, will, by your direction, be communicated to the appropriate committee.

In general terms it may be stated that the issues by the Ordnance department include one thousand nine hundred and twenty-six field and siege, and one thousand two hundred and six fortification cannon, seven thousand two hundred and ninety-four gun-carriages, caissons, mortar-beds, travelling forges and battery waggon, one million two hundred and seventy-six thousand six hundred and eighty-six small arms, nine hundred and eighty-seven thousand two hundred and ninety-one sets of equipments and accoutrements, and two hundred and thirteen million nine hundred and ninety one thousand one hundred and twenty-seven rounds of ammunition for artillery and small arms, still leaving large supplies of ordnance stores at the arsenals and depots. The breaking out of the rebellion found us with insufficient supplies for the forces thereby rendered necessary, and without the means of their immediate procurement from our public arsenals and the private manufactories, fitted and ready for such work. The policy of the department to procure all such supplies of home manufacture could not be rigidly followed, and recourse was had to purchases and importations from abroad, in order to meet pressing requirements. The vast demand, suddenly springing up, without any immediate increase of the supply, led to speculations and exorbitant prices. On a report from the Ordnance bureau, in respect to outstanding contracts for arms, I appointed a commission to investigate these matters, and their report is herewith submitted. The measures which have been adopted to procure such supplies, by increasing the capacity of our public arsenals and developing the private sources of home manufacture, will soon enable this department to obtain supplies of this description,

independently of importations from abroad, and at fair and reasonable rates.

The subject of arming the fortifications, particularly those defending the harbors of our principal Atlantic ports, has received special attention, and all the means at the disposal of the department have been applied to that end, so far as was possible and consistent with meeting other imperative requirements. In consequence of the introduction into naval warfare of iron-clad vessels, comparatively safe from the effects of such batteries as had heretofore been sufficient to guard effectually against the passage of hostile vessels, it became necessary to provide heavier and more powerful ordnance. The whole system of such armament was carefully revised and amended by a board of the most experienced and competent officers, and measures have been taken to carry their recommendations into effect.

I desire to call special attention to the necessity of providing additional means for the storage and preservation of ordnance supplies, as recommended in the report of the Chief of Ordnance. When it is considered that we have now no more facilities for this purpose than when our military organization included an army of not over eighteen thousand men, the absolute necessity of a far more ample provision of such facilities will be manifest. The plan for this purpose, as stated in the report from the Ordnance bureau, is believed to be the best that can be devised, and by no means too extensive in its provisions to meet our absolute wants now and for the future, and I commend it for favorable consideration, and for such legislation as may be necessary. I concur also with the Chief of Ordnance in his remarks relative to the onerous duties, considering its present limited number of officers, which have devolved upon that branch of the service, and to the industry, zeal, and fidelity with which those duties have been performed. They are deserving of the measures suggested for their recognition and reward.

An act of the last session of Congress provides for the establishment of armories at Columbus, Indianapolis, and Rock Island. By order of this department, the selection of proper sites was intrusted to Brigadier-General Buckingham, whose report, approved by the Chief of Ordnance, is herewith submitted. Measures to procure the needed State legislation and the approval of title will be promptly taken.

During the recess of Congress the necessities of the service required the old penitentiary of this District for the use of the arsenal, and by your order, the convicts were removed to the State of New-York, and the penitentiary buildings devoted to the purposes of the arsenal.

The attention of the department has been earnestly directed to the forts and fortifications for coast and harbor defence. A personal inspection of these important works has been made by General Totten, the distinguished Chief of Engineers. The grants made by Congress for fortifications, at its last session, amounted to five million five hundred and thirty-five thou-

sand dollars for permanent works, and seven hundred and fifty thousand dollars for temporary works. The Chief of Engineers reports that these sums admitted of very material progress being made at most of the important forts now in process of construction. This has been realized in a number of instances, and in all decided advancement has been effected. Great difficulties have been experienced in obtaining supplies of materials from the quarries, stone-yards, etc., owing to the demands made by the war upon the classes usually employed in this kind of work. Similar trouble has been encountered in procuring transportation for materials.

Much has been done in advancing the state of readiness of our fortifications in the principal commercial harbors for service, in preparing for additional guns, in providing for the reception of armament of very large calibre in the existing batteries, and in placing all in effective condition for defence. Like measures have been observed with reference to naval stations and our frontiers generally.

A report by the Board of Visitors in respect to the condition of the Military Academy at West-Point is submitted with the report of the Chief of Engineers.

The officers of the corps of Topographical Engineers, as appears by the report of its Chief, have been almost exclusively on duty with armies in the field, engaged in surveys and reconnoissances connected with their movements, in the collection of topographical and statistical information, and in the construction of field-works, batteries, intrenchments, block-houses, bridges, and all other like duties.

The survey of the northern and north-western lakes has been continued during the year, principally in the vicinity of Green Bay and the Fox Islands. The estimate for continuing the survey is one hundred and six thousand eight hundred and seventy-nine dollars and forty-eight cents, differing but little in amount from the last estimate.

The lake harbor works are thirty-four in number. From want of appropriations by Congress, no work has been done at any of them during the present year, with the exception of the St. Clair light-house and beacon, and at Oswego harbor, New-York.

The general estimate for the completion of each harbor work, founded upon previous inspections, will be found in Appendix No. 2, of the report of this bureau.

Claims for arrcarages for harbors, rivers, roads, etc., amounting to fifteen thousand dollars, are found on the records of the bureau. The recommendation of the previous annual reports for an appropriation for their payment, on the approval of the War Department and adjustment by the Treasury, is renewed.

The bridging and repairs of the military and emigrant wagon road from Fort Walla Walla, on the Columbia River, to Fort Benton, on the Missouri, have been completed. The length of the road is six hundred and twenty-four miles. The

officer in charge of the work recommends the sum of seventy thousand dollars be appropriated by Congress for the further improvement of the route.

It appears from the report of the Acting Paymaster-General, that during the fiscal year ending the thirtieth of June, 1862, the sum of five million five hundred and fifty thousand and thirty-nine dollars and fifty-four cents was paid to the regular troops, that ninety-one million one hundred and sixteen thousand six hundred and ten dollars and sixty-one cents were paid to volunteers, and that thirty-eight million five hundred and ninety-seven thousand eight hundred and nineteen dollars and seven cents have been paid since the thirtieth of June, 1862. The report states that nearly all the regiments were paid to the thirtieth of June, many to the thirtieth of August—that some delay in payment had been occasioned by want of funds, but it is believed that all will soon be paid.

By the death of Colonel Larned a vacancy was occasioned in the office of chief of this bureau, which, under the existing law, can only be filled by regular promotion from the corps. In my opinion, the good of the service requires a wider range of selection for this most important office. The vacancy has not yet been filled, in order that, by a change of the law, the volunteer and regular service may be open to selection of such persons as you may deem most competent for the duty.

The Surgeon-General's report affords information in respect to the sanitary condition of the army. It also shows an expenditure of the whole appropriations of that department, amounting to two million four hundred and forty-five thousand eight hundred and ninety-four dollars and eighty-nine cents, (\$2,445,894.89.) The number of general hospitals is one hundred and fifty-one. The number of patients in them is fifty-eight thousand one hundred and seventy-five. The whole number under medical treatment is stated to be not short of ninety thousand.

The Surgeon-General represents that during the past year there has been no epidemic in the army of any severity; that the diseases which affect men in camp have been kept at a low minimum; that scurvy has been almost entirely prevented, and that there have been but a few victims of yellow fever.

This bureau required enlargement and reorganization in many particulars, and some improvements have been made. Others are suggested which require careful consideration.

The operations of the surgical department have been aided by humane and benevolent associations. The horrors of battle have been assuaged by ministers of mercy, and it is worthy to be recorded of the medical profession that their services have been voluntary and gratuitously offered on every occasion. Relief associations in every State have done much to comfort and assist the sick and wounded in camps and hospitals, and their vigilant superintendence has per-

haps operated to check the negligence, abuse, and fraud that too often prevail even in such institutions. Religious congregations and societies have also tendered to the Government their church buildings for hospitals, while their pastors have ministered to the patients. These matters are proper to be brought to your notice, because, while war stimulates every evil passion, the virtue developed in this great struggle to maintain our national existence should not pass unnoticed.

The report of Major Meyer, of the Signal Corps, deserves your attention. The service of this corps to armies in the field, and for many military and naval purposes, is highly estimated. At present it is without distinct organization, and is made up of officers detailed from other branches of service. A separate organization is recommended.

The acknowledgment of this department is due to Colonel Stager, Major Eckert, and their assistants of the Telegraph Corps. In diligence, fidelity, and important aid, they have been unsurpassed by any branch of the service.

With this presentation of the past operations and the present condition of the War Department, the duty required of me by the act of Congress to make an annual report is, in a great measure, fulfilled. It is seen that a force has been placed by the people of the United States, at the command of the Government, to maintain its authority, more mighty in all the elements of warlike power than was ever before arrayed under one banner. How shall that force be employed? To smite the enemy on every hand, to attack his armies and strongholds, to occupy his ports, clear the great rivers of the West of his obstructions, and pause not until he is subdued, is our plain duty. Above all, it is our duty to disdain no legitimate aid that may save the lives of our gallant soldiers, diminish their labors, provide for their wants, and lessen the burdens of our people.

No aphorism is more universally received, than that "the sole object of a just war is to make the enemy feel the evils of his injustice, and by his sufferings amend his ways; he must, therefore, be attacked in his most accessible quarter." The power of the rebels rests upon their peculiar system of labor, which keeps laborers on their plantations to support owners who are devoting their time and strength to destroy our armies and destroy our Government. Whenever that system is in hostility to the Government, it is, in my opinion, the duty of those conducting the war to strike down the system, and turn against the rebels the productive power that upholds the insurrection. Rightly organized in the recovered territory, the laborers of the rebel States will not only aid in holding fortified positions, but their labor will, as in India, free the white soldier from the most unwholesome exposure of the South. They will cultivate the corn and forage, which will feed our cavalry and artillery horses, and save the country a portion of the enormous burden now attending their

purchase and transport from the North. This cultivation would have been of greater advantage to us on the south-eastern coast than even that of the great staple of the Sea Islands.

Probably the people who remained upon these islands, within protection of our armies, could, under wise control, have supplied all the forage needed this year by the forces in the department of the South. The full ration for a horse weighs twenty-six pounds, that of a soldier, three pounds.

An army well organized and equipped for active operations, with a due proportion of cavalry, artillery, and baggage trains, will have not less than one horse or mule to every four soldiers; so that the weight of food for the animals is more than double that of the rations of the men.

How important an aid, how great an economy, in a long contest, therefore, would there be in raising by this cheap labor the greater part of the forage alone for the Southern department, thus, for a greater portion of our wants, transferring the base of supplies, now at New-York, to Hilton Head or New-Orleans.

The department has found it difficult to transfer this labor from one part of the seat of war to another. Local and family ties seem to be very strong with these people, and with all their faith in the power and good will of our military commanders, it was found difficult to get volunteer laborers to leave Port Royal for other dépôts.

A population of four millions true to the interests of the Union, with slight assistance from the army will, under proper regulation and government, be of the greatest assistance in holding the territory once recovered. The principal staples of the South are the product exclusively of their labor. If protected upon the lands they have heretofore cultivated, with some organization, and with support from small detachments of loyal troops, they would not only produce much of what is needed to feed our armies and their trains, but they would forever cut off from the rebellion the resources of a country thus occupied.

The rebel armies move with ease through portions of the Border States, living upon the country in which our commanders find no supplies. The people bring forth their hoards and offer them to the rebels for sale or gift. Protect the laboring population who are the majority in the greater part of the South, in the possession of the land and its products, and this great advantage will, for whatever portion of the country we occupy, be transferred to us. As soon as the coast is thoroughly occupied, and the people organized, trade will revive. Cotton, rice, sugar, and other products will be exchanged by the producer for what he needs. Their wants will be supplied direct from the Northern factories, and the cultivation of the great staples will enable them to pay for what they use. A perfectly free trade may thus again grow up between the North and the South, and with greater or less rapidity it will spread over the whole country as our

forces succeed in meeting and dispersing the rebel armies.

The greater part of the whole country which formerly produced the sea-island cotton is now thoroughly restored to the Union. The laborers are there—the soil and climate. It needs only assurance of protection to revive the cultivation of the staple, as well as to produce vast quantities of corn and forage for our troops. Since this war must be conducted by marches and battles and sieges, why neglect the best means to make them successful and their results permanent? It is worthy of notice that thus far the portions of territory which, once recovered, we have most firmly held are precisely those in which the greatest proportion of colored men are found. By their assistance, our armies will be able permanently to operate in and occupy the country; and in labor for the army, in raising its and their own supplies, full occupation can be given them, and with this there will be neither occasion nor temptation to them to emigrate to a northern and less congenial climate.

Judging by experience, no colored man will leave his home in the South, if protected in that home. All possibility of competition from negro labor in the North is avoided in giving colored men protection and employment upon the soil which they have thus far cultivated, and the right to which has been vacated by the original proprietors, deeply involved in the crimes of treason and rebellion. No great territory has been permanently reduced, without depriving the leaders of its people of their lands and property. It is these that give power and influence. Few men have commanding genius and talent to exercise dangerous influence over their fellow-men without the adventitious aid of money and property. By striking down this system of compulsory labor which enables the leaders of the rebellion to control the resources of the people, the rebellion would die of itself.

Under no circumstances has any disposition to servile insurrection been exhibited by the colored population in any Southern State, while a strong loyalty to the Federal Government has been displayed on every occasion, and against every discouragement. By the means suggested, rebellion may be disarmed and subdued swiftly and effectually, and the lives of our own people saved from slaughter on the battle-field. By the occupation of all their forts on the Mississippi and the sea-coast, a market will be opened in every rebel State for the industry of our people to supply the wants of the army, and also of a loyal population, in exchange for the valuable products of their labor. Another point of attack is by armed settlements upon the vacant government lands in Florida and Texas. Thousands in the Northern and Western States are impatiently waiting the signal of military movement to plant their homes in the best territory of this continent, and bring it back to the Union, as loyal States. So far from the Southern States being invincible, no enemy was ever so vulnerable, if the means at hand are employed against them. If your proposition

for compensated emancipation, and a voluntary return to loyalty, be blindly rejected, still the proper application of the means at command of the Government cannot fail to accomplish the suppression of the rebellion, and a restoration of those peaceful relations which were designed to be established forever on this continent by the Union of the States.

EDWIN M. STANTON,
Secretary of War.

To the President.

Doc. 74.

BOMBARDMENT OF FORT HENRY.

REPORT OF BRIG.-GENERAL (REBEL) TILGHMAN.*

February 12, 1862.

*Col. W. W. Mackall, A. A. General, C. S. Army,
Bowling Green:*

SIR: My communication of the seventh inst., sent from Fort Henry, having announced the fact of the surrender of that Fort to Commodore Foote, of the Federal Navy, on the sixth inst., I have now the honor to submit the following report of the details of the action, together with the accompanying papers, marked (A) (B), containing list of officers and men surrendered, together with casualties, etc.

On Monday, February third, (instant,) in company with Major Gilmer, of the engineers, I completed the inspection of the main work, as well as outworks at Fort Heiman, south of Tennessee River, as far as I had been able to perfect them, and also, the main work, intrenched camp, and exterior line of rifle-pits at Fort Henry. At ten o'clock A.M., on that morning, the pickets on both sides of Tennessee River, extended well in our front, having reported no appearance of the enemy, I left, in company with Major Gilmer, for Fort Donelson, for the purpose of inspecting, with him, the defences of that place.

Tuesday, the fourth inst., was spent in making a thorough examination of all the defences at Fort Donelson. At noon, heard heavy firing at Fort Henry for half-an-hour. At four o'clock P.M., a courier reached me from Colonel Heiman, at Fort Henry, informing me that the enemy were landing in strong force at Bailey's Ferry, three miles below, and on the east bank of the river.

Delaying no longer than was necessary to give all proper orders for the arrangement of matters at Fort Donelson, I left with an escort of Tennessee cavalry, under command of Lieutenant-Colonel Gantt, for Fort Henry, accompanied by Major Gilmer—reaching that place at eleven and a half P.M. I soon became satisfied that the enemy were really in strong force at Bailey's Ferry, with every indication of reinforcements arriving constantly. Colonel Heiman, of the Tenth Tennessee, commanding with most commendable alacrity and good judgment, had thrown forward, to the outworks covering the

* See page 79 Docs., Vol. IV. REBELLION RECORD.

Dover road, two pieces of light artillery, supported by a detachment from the Fourth Mississippi regiment, under command of Captain Red. Spouting parties of cavalry, operating on both sides of the river, had been pushed forward to within a very short distance of the enemy's lines. Without a moment's delay, after reaching the Fort, I proceeded to arrange the available force to meet whatever contingency might arise.

The First brigade, under Colonel Heiman, was composed of the Tenth Tennessee, Lieutenant-Colonel McGavock commanding; Twenty-seventh Alabama, under Colonel Hughes; the Forty-eighth Tennessee, under Colonel Voorhies; light battery of four pieces, commanded by Captain Culbertson, and the Tennessee battalion of cavalry, under Lieutenant-Colonel Gantt. Total officers and men, 1444. The Second brigade, Colonel Joseph Drake, Fourth Mississippi regiment, commanding, was composed of the Fourth Mississippi, under Major Adair; the Fifteenth Arkansas, Colonel Gee; the Fifty-first Tennessee, Colonel Browder; Alabama battalion, Major Garvin; light battery of three pieces, under Captain Clare, and the Alabama battalion of cavalry, Captain Milners's company of cavalry, with Capt. Padgett's spy company, a detachment of Rangers, under acting Captain Melton. Total, officers and men, 1215. The heavy artillery, under command of Captain Taylor, numbering seventy-five, were placed at the guns in Fort Henry. As indicated, some time since, to the general commanding department, I found it impossible to hold the commanding ground, south of the Tennessee River, with the small force of badly armed men at my command, and, notwithstanding the fact, that all my defences were commanded by the high ground on which I had commenced the construction of Fort Heiman, I deemed it proper to trust to the fact that the extremely bad roads leading to that point would prevent the movement of heavy guns by the enemy, by which I might be annoyed; and, leaving the Alabama battalion of cavalry and Captain Padgett's spy company on the western bank of the river, transferred the force encamped on that side to the opposite bank. At the time of receiving the first intimation of the approach of the enemy, the Forty-eighth and Fifty-first Tennessee regiments having only just reported, were encamped at Danville, and at the mouth of Sandy, and had to be moved from five to twenty miles, in order to reach Fort Henry. This movement, together with the transfer of the Twenty-seventh Alabama and Fifteenth Arkansas regiments from Fort Heiman across the river, was all perfected by five o'clock A.M., on the morning of the fifth. Early on the morning of the fifth the enemy was plainly to be seen at Bailey's Ferry, three miles below. The large number of heavy transports reported by our scouts gave evidence of the fact that the enemy were there in force, even at that time, and the arrival every hour of additional boats showed conclusively that I should be engaged with a heavy force by land, whilst the presence of seven gunboats mounting fifty-four guns, indicated

plainly that a joint attack was contemplated by land and water.

On leaving Fort Donelson, I ordered Colonel Head to hold his own and Colonel Sugge's regiment of Tennessee volunteers, with two pieces of artillery, ready to move at a moment's warning, with three days' cooked rations, and without camp equipage or wagon train of any kind, except enough to carry the surplus ammunition. On the morning of the fifth I ordered him, in case nothing more had been heard from the country below, on the Cumberland, at the time of the arrival of my messenger, indicating an intention on the part of the enemy to invest Fort Donelson, to move out with the two regiments, and the two pieces of artillery, and take position at the Furnace, half-way on the Dover road to Fort Henry—the force embraced in this order was about seven hundred and fifty men—to act as circumstances might dictate. Thus matters stood at nine A.M. on the morning of the fifth.

The wretched military position of Fort Henry, and the small force at my disposal, did not permit me to avail myself of the advantages to be derived from the system of outworks, built with the hope of being reinforced in time, and compelled me to determine to concentrate my efforts by land, within the rifle-pits surrounding the Tenth Tennessee and Fourth Mississippi regiments, in case I deemed it possible to do more than to operate solely against the attack by the river. Accordingly, my entire command was paraded, and placed in the rifle-pits around the above camps, and minute instructions given, not only to brigades, but to regiments and companies, as to the exact ground each was to occupy. Seconded by the able assistance of Major Gilmer, of the engineers, of whose valuable services I thus early take pleasure in speaking, and by Colonels Heiman and Drake, every thing was arranged to make a formidable resistance against any thing like fair odds. It was known to me, on the day before, that the enemy had reconnoitred the roads leading to Fort Donelson, from Bailey's Ferry, by way of Iron Mountain Furnace, and at ten o'clock A.M. on the fifth, I sent forward from Fort Henry a strong reconnoitring party of cavalry. They had not advanced more than one and a half miles in the direction of the enemy when they encountered their reconnoitring party. Our cavalry charged them in gallant style, upon which the enemy's cavalry fell back, with a loss of only one man on each side.

Very soon the main body of the Federal advance-guard, composed of a regiment of infantry and a large force of cavalry, was met, upon which our cavalry retreated. On receipt of this news, I moved out in person with five companies of the Tenth Tennessee, five companies of the Fourth Mississippi, and fifty cavalry, ordering at the same time two additional companies of infantry to support Captain Red at the outworks. Upon advancing well to the front I found that the enemy had retired. I returned to camp at five P.M., leaving Captain Red reinforced at the outworks. The enemy were again reinforced by the arrival

of a large number of transports. At night the pickets from the west bank reported the landing of troops on that side, opposite Bailey's Ferry, their advance pickets having been met one and a half miles from the river. I at once ordered Captain Hubbard, of the Alabama cavalry, to take fifty men, and, if possible, surprise them. The inclemency of the weather, the rain having commenced to fall in torrents, prevented any thing being accomplished. Early on the morning of the sixth, Captain Padgett reported the arrival of five additional transports over night, and the landing of a large force on the west bank of the river, at the point indicated above. From that time up to nine o'clock, it appeared as though the force on the east bank was again reinforced, which was subsequently proven to be true. The movements of the fleet of gunboats at an early hour prevented any communication, except by a light barge, with the western bank, and by ten o'clock A.M. it was plain that the boats intended to engage the Fort with their entire forces, aided by an attack on our right and left flanks from the two land forces in overwhelming numbers. To understand properly the difficulties of my position, it is right that I should explain fully the unfortunate location of Fort Henry, in reference to resistance by a small force against an attack by land coöperating with the gunboats, as well as its disadvantages in even an engagement with boats alone. The entire Fort, together with the intrenched camp spoken of, is enfiladed from three or four points on the opposite shore, whilst three points on the eastern bank completely command them both, all at easy cannon range. At the same time the intrenched camp, arranged as it was in the best possible manner to meet the case, was two thirds of it completely under the control of the fire of the gunboats. The history of military engineering records no parallel to this case. Points within a few miles of it, possessing great advantages and few disadvantages, were totally neglected, and a location fixed upon, without one redeeming feature, or filling one of the many requirements of a site for a work such as Fort Henry. The work itself was well built; it was completed long before I took command, but strengthened greatly by myself in building embrasures and epaulements of sand-bags. An enemy had but to use their most common sense in obtaining the advantage of high water, as was the case, to have complete and entire control of the position. I am guilty of no act of injustice in this frank avowal of the opinions entertained by myself, as well as by all other officers who have become familiar with the location of Fort Henry. Nor do I desire the defects of location to have an undue influence in directing public opinion in relation to the battle of the sixth inst. The Fort was built when I took charge, and I had no time to build anew. With this seeming digression, rendered necessary, as I believe, to a correct understanding of the whole affair, I will proceed with the details of the subsequent movements of the troops under my command. By ten o'clock A.M., on the sixth, the movements of

the gunboats and land force indicated an immediate engagement, and in such force as gave me no room to change my previously conceived opinions as to what, under such circumstances, should be my course.

The case stood thus: I had at my command a grand total of two thousand six hundred and ten men, only one third of whom had been at all disciplined or well-armed. The high water in the river filling the sloughs, gave me but one route on which to retire, if necessary, and that route for some distance, in direction, at right angles to the line of approach of the enemy, and over roads well-nigh impassable for artillery, cavalry, or infantry.

The enemy had seven gunboats, with an armament of fifty-four guns, to engage the eleven guns at Fort Henry.

General Grant was moving up the east bank of the river from his landing three miles below, with a force of twelve thousand men, verified afterward by his own statement; whilst General Smith, with six thousand men, was moving up the west bank to take a position within four or five hundred yards, which would enable him to enfilade my entire works. The hopes, (founded on a knowledge of the fact that the enemy had reconnoitred on the two previous days thoroughly the several roads leading to Fort Donelson,) that a portion only of the land force would coöperate with the gunboats in an attack on the Fort, were dispelled, and but little time left me to meet this change in the circumstances which surrounded me. I argued thus: Fort Donelson might possibly be held, if properly reinforced, even though Fort Henry should fall, but the reverse of this proposition was not true. The force at Fort Henry was necessary to aid Fort Donelson, either in making a successful defence, or in holding it long enough to answer the purposes of a new disposition of the entire army from Bowling Green to Columbus, which would necessarily follow the breaking of our centre, resting on Forts Donelson and Henry. The latter alternative was all that I deemed possible. I knew that reinforcements were difficult to be had, and that unless sent in such force as to make the defence certain, which I did not believe practicable, the fate of our right wing at Bowling Green depended upon a concentration of my entire division on Fort Donelson, and the holding of that place as long as possible, trusting that the delay by an action at Fort Henry would give time for such reinforcement as might reasonably be expected to reach a point sufficiently near Donelson to coöperate with my division by getting to the rear and right flank of the enemy, and in such a position as to control the roads, over which a safe retreat might be effected. I hesitated not a moment. My infantry, artillery, and cavalry removed of necessity, to avoid the fire of the gunboats, to the outworks, could not meet the enemy there. My only chance was to delay the enemy every moment possible, and retire the command, now outside the main work, toward Fort Donelson, resolving to suffer as little loss as pos-

sible. I retained only the heavy artillery company to fight the guns, and gave the order to commence the movement at once. At a quarter past ten o'clock, Lieutenant McGavock sent a messenger to me, stating that our pickets reported General Grant approaching rapidly, and within half a mile of the advance-work, and movements on the west bank indicated that General Smith was fast approaching also.

The enemy, ignorant of any movement of my main body, but knowing that they could not engage them behind our intrenched camp, until after the Fort was reduced, or the gunboats retired, without being themselves exposed to the fire of the latter, took a position north of the forks of the Dover road in a dense wood, (my order being to retreat by way of Stewart road,) to await the result. At eleven A.M., the flotilla assumed their line of battle. I had no hope of being able successfully to defend the Fort against such overwhelming odds, both in point of numbers and in calibre of guns. My object was to save the main body by delaying matters as long as possible, and to this end I bent every effort. At forty-five minutes past eleven A.M., the enemy opened from their gunboats on the Fort. I waited a few moments until the effects of the first shots of the enemy were fully appreciated. I then gave the order to return the fire, which was gallantly responded to by the brave little band under my command. The enemy with great deliberation, steadily closed upon the fort, firing very wild until within one thousand two hundred yards. The cool deliberation of our men told from the first shot fired with tremendous effect. At twenty-five minutes of one o'clock P.M., the bursting of our twenty-four-pounder rifle-gun disabled every man at the piece.

This great loss was to us in a degree made up by our disabling entirely the Essex gunboat, which immediately floated down-stream. Immediately after the loss of this valuable gun, we sustained another loss still greater, in the closing up of the vent of the ten-inch columbiad, rendering that gun perfectly useless, and defying all efforts to reopen it.

The fire on both sides was now perfectly terrific. The enemy's entire force was engaged, doing us but little harm, whilst our shot fell with unerring certainty upon them, and with stunning effect. At this time a question presented itself to me, with no inconsiderable degree of embarrassment. The moment had arrived when I should join the main body of troops retiring toward Fort Donelson, the safety of which depended upon a protracted defence of the Fort. It was equally plain, that the gallant men working the batteries, (for the first time under fire,) with all their heroism, needed my presence. Colonel Heiman, the next in command, had returned to the Fort for instructions. The men working the heavy guns were becoming exhausted with the rapid firing. Another gun became useless by an accident, and yet another by the explosion of a shell immediately after striking the muzzle, involving the death of two men, and disabling sev-

eral others. The effect of my absence, at such a critical moment, would have been disastrous. At the earnest solicitations of many of my officers and men, I determined to remain, and ordered Colonel Heiman to join his command and keep up the retreat in good order, whilst I would fight the guns as long as one was left, and sacrifice myself to save the main body of my troops. No sooner was this decision made known, than new energy was infused. The enemy closed upon the Fort to within six hundred yards, improving very much in their fire, which now began to tell with great effect upon the parapets, whilst the fire from our guns (now reduced to seven) was returned with such deliberation and judgment that we scarcely missed a shot. A second one of the gunboats retired, but I believe was brought into action again. At one o'clock ten minutes, so completely broken down were the men, that but for the fact that four only of our guns were then really serviceable—I could not well have worked a greater number. The fire was still continued with great energy and tremendous effect upon the enemy's boats. At half-past one o'clock, I took charge of one of the thirty-two-pounders to relieve the chief of that piece, who had worked it with great effect from the beginning of the action. I gave the flag-ship Cincinnati two shots, which had the effect to check a movement intended to enfilade the only gun now left me.

It was now plain to be seen that the enemy were breaching the Fort directly in front of our guns, and that I could not much longer sustain their fire without an unjustifiable exposure of the valuable lives of the men who had so nobly seconded me in the unequal struggle. Several of my officers, Major Gilmer among the number, now suggested to me the propriety of taking the subject of a surrender into consideration.

Every moment, I knew, was of vast importance to those retreating on Fort Donelson, and I declined, hoping to find men enough at hand to continue awhile longer the fire now so destructive to the enemy. In this I was disappointed. My next effort was to try the experiment of a flag of truce, which I waved from the parapets myself. This was precisely at ten minutes before two o'clock P.M. The flag was not noticed, I presume, from the dense smoke that enveloped it, and leaping again into the Fort, I continued the fire for five minutes, when, with the advice of my brother officers, I ordered the flag to be lowered, after an engagement of two hours and ten minutes with such an unequal force.

The surrender was made to Flag-Officer Foote, represented by Captain Stemple, commanding gunboat Cincinnati, and was qualified by the single condition that all officers should retain their side-arms, that both officers and men should be treated with the highest consideration due prisoners of war, which was promptly and gracefully acceded to by Commodore Foote.

The retreat of the main body was effected in good order, though involving the loss of about twenty prisoners, who, from sickness and other causes, were unable to encounter the heavy roads.

The rear of the army was overtaken at a distance of some three miles from Fort Henry by a body of the enemy's cavalry, but on being engaged by a small body of our men, under Major Garving, were repulsed and retired. This fact alone shows the necessity of the policy pursued by me in protracting the defence of the Fort as long as possible—which only could have been done by my consenting to stand by the brave little band. No loss was sustained by our troops in this affair with the enemy. I have understood from the prisoners, that several pieces of artillery also were lost, it being entirely impossible to move them over four or five miles with the indifferent teams attached to them.

The entire absence of transportation rendered any attempt to move the camp equipage of the regiments impossible. This may be regarded as fortunate, as the roads were utterly impassable, not only from the rains, but the backwater of the Tennessee River.

A small amount of quartermaster's and commissary stores, together with what was left of the ordnance stores, were lost to us; also the tents of the Alabama regiment were left on the west bank of the river, the gunboats preventing an opportunity to cross them over. Our casualties may be reported strictly as follows: killed by the enemy, two; wounded severely by the enemy, three, (one since dead); wounded slightly by the enemy, two; killed by premature explosion, two; wounded seriously by premature explosion, one; slightly wounded, one; temporarily disabled by explosion of rifle-gun, five; making total killed, five; seriously wounded, three; slightly wounded, three; disabled, five; missing, five; total casualties, twenty-one. The total casualties of the enemy were stated, in my presence on the following morning, to be seventy-three, including one officer of Essex killed, and Captain Porter, commanding Essex, badly scalded.

The enemy report the number of shot that struck their vessels to have been seventy-four, twenty-eight of which struck the flag-ship Cincinnati, so disabling her as to compel her to return to Cairo. The Essex received twenty-two shots, one of which passed, we know, entirely through the ship, opening one of her boilers and taking off the head of Captain Porter's aid-de-camp. Several shots passed entirely through the Cincinnati, whilst her underworks were completely riddled.

The weak points in all their vessels were known to us, and the cool precision of our firing developed them, showing conclusively that this class of boats, though formidable, cannot stand the test of even the thirty-two pounders, much less the twenty-four calibre rifle-shot, or that of the ten-inch columbiad. It should be remembered that these results were principally from no heavier metal than the ordinary thirty-two pounders using solid shot fired at point-blank, giving vessels all the advantages of its peculiar structure, with planes meeting this fire at angles of forty-five degrees. The immense area forming what may be called the roof is in every respect

vulnerable to either a plunging fire from even thirty-two pounders or a curved line of fire from heavy guns. In the latter case shells should be used in preference to shot.

Confident of having performed my whole duty to my government in the defence of Fort Henry, with the totally inadequate means at my disposal, I have but little to add in support of the views before expressed. The reasons for the line of policy pursued by me, are, to my mind, convincing.

Against such overwhelming odds as sixteen thousand well-armed men, (exclusive of the force on the gunboats,) to two thousand six hundred and ten badly armed in the field, and fifty-four heavy guns against eleven medium ones in the Fort, no tactics or bravery could avail. The rapid movements of the enemy, with every facility at their command, rendered the defence from the beginning, a hopeless one. I succeeded in doing even more than was to be hoped for at first. I not only saved my entire command outside the Fort, but damaged, materially, the flotilla of the enemy, demonstrating thoroughly a problem of infinite value to us in the future. Had I been reinforced so as to have justified my meeting the enemy at the advanced works, I might have made good the land defence on the east bank. I make no inquiry as to why I was not, for I have entire confidence in the judgment of my commanding general.

The elements even were against us, and had the enemy delayed his attack a few days, with the river rising, one third of the entire fortification (already affected by it) would have been washed away, whilst the remaining portion of the works would have been untenable by reason of the depth of water over the whole interior portion.

The number of officers surrendered (see paper marked A) was twelve. The number of non-commissioned officers and privates in the Fort at the time of the surrender (see paper marked B) was sixty-six, whilst the number in hospital-boat (Patton) was (see paper marked C) sixteen.

I take great pleasure in making honorable mention of all the officers and men under my command. To Capt. Taylor of the artillery, and the officers of his corps, Lieuts. Watts and Weller; to Capt. G. R. G. Jones, in command of the right battery; to Capt. Miller and Hayden of the engineers; to A. A. General McCornico; to Capt. H. L. Jones, Brigade Quartermaster; to Capt. McLaughlin, Quartermaster Tenth Tennessee, and to Surgeons Voorhies and Horton, of the Tenth Tennessee, the thanks of the whole country are due for their consummate devotion to our high and holy cause. To Sergeants John Jones, Hallum, Cubine, and Selkirk; to Corporals Capass, Cavin, and Kenfro, in charge of guns, as well as to all the men, I feel a large debt is due for their bravery and efficiency, in working the heavy guns so long and so efficiently. Officers and men alike seemed actuated by one spirit, that of devotion to a cause in which was involved "life, liberty, and the pursuit of

happiness." Every blow struck was aimed by cool heads, supported by strong arms and honest hearts. I feel that it is a duty I owe to Col. A. Heiman, commanding Tenth Tennessee regiment, to give this testimony of my high appreciation of him as a soldier and as a man, due to his gallant regiment, both officers and men. I place them second to no regiment I have seen in the army.

To Capt. Dixon of the engineers, I owe, as does the whole country, my special acknowledgments of his ability and unceasing energies. Under his immediate eye, were all the works proposed by myself at Forts Donelson and Heiman executed, whilst his fruitfulness in resources to meet the many disadvantages of position, alone enabled us to combat its difficulties successfully.

To Lieut. Watts, of the heavy artillery, as acting ordnance officer at Fort Henry, I owe this special notice of the admirable condition of the ordnance department at this post. Lieut. Watts is the coolest officer under fire I ever met with.

I take pleasure in acknowledging the marked courtesy and consideration of Flag-Officer Foote of the Federal navy, of Capt. Stemple and the other naval officers to myself, officers, and men. Their gallant bearing during the action, gave evidence of a brave and therefore generous foe.

Respectfully, your obedient servant,

LLOYD TILGHMAN,
Brig.-Gen. Commanding.
ED. A. PALFRED.
A. A. General.

A. & I. G. Office, August 29, 1862.

SUPPLEMENT TO THE REPORT.

Richmond, August 9, 1862.

My attention having been called, since writing the above report, to certain statements made in the somewhat unofficial reports of the battles at Fort Donelson, on the subject of the condition of the fortifications at that place, at the time of the arrival of the reinforcements, I deem it highly proper to protect my own, as well as the reputation of the officers and men of my command, and place the facts of the case on record.

Nearly broken down by incessant work from the middle of June, in organizing and perfecting the first Kentucky brigade, and in remodelling the brigade at Hopkinsville, Ky., I was not in the best condition, so late as the *fifteenth* of December, to commence in a new field of operations, and work into perfect shape a *third* brigade, and carry on the system of fortifications on both the Cumberland and Tennessee, necessary for the important line intrusted to my care. The facts of the case are simply these: On reaching Fort Donelson the middle of December, I found at my disposal six undisciplined companies of infantry, with an unorganized light battery. Whilst a small water battery of two light guns constituted the available river defence. Four thirty-two-pounders had been rightly placed, but were not available. By the twenty-fifth of January I had prepared the entire batteries (except one piece which arrived too late) for the river defences, built the entire field-work with a trace of two thousand nine hundred feet, and in the most sub-

stantial manner constructed a large amount of abatis, and commenced guarding the approaches by rifle-pits and abatis. This was all done when the reinforcements arrived, and when the total lack of transportation is taken into consideration, as well as the inclemency of the season, and yet find not only the original troops there, but nearly all my reinforcements housed in something like four hundred good cabins, I conceive my time to have been well spent. Whilst this was being done, the strengthening of Fort Henry, the building of all the outworks around it, together with the advanced state of the new works south of Tennessee River—Fort Heiman, together with its line of rifle-pits and abatis, was all thoroughly performed, and satisfy my own mind that officers and men could not have fallen short in their duties to have accomplished so much. The failure of adequate support, doubtless from sufficient cause, cast me on my own resources, and compelled me to assume responsibilities which may have worked a partial evil. I aimed at the general good, and am the last man to shrink from assuming what is most likely to accomplish such an end. I would further state that I had connected both Forts Henry and Donelson by a line of telegraph from Cumberland City, total length of the line about thirty-five miles, thus placing me in close relations with Bowling Green and Columbus.

(A)

LIST OF COMMISSIONED OFFICERS SURRENDERED AT FORT HENRY, FEBRUARY 6, 1862.

Brigadier-General Lloyd Tilghman, commanding; Captain H. L. Jones, quartermaster's department; Captain John McLaughlin, quartermaster's department; Captain Joseph A. Miller, engineer department; Captain J. A. Haydon, engineer department; Captain G. R. G. Jones, heavy artillery; A. A. General W. L. McCornico; Captain Jesse Taylor, artillery; Lieutenant W. O. Watts, artillery; Lieutenant F. J. Weller, artillery; Surgeon A. H. Vorhies, medical department; Assistant Surgeon W. D. Horton, medical department.

(B)

LIST OF NON-COMMISSIONED OFFICERS AND PRIVATES SURRENDERED AT FORT HENRY, FEBRUARY 6, 1862.

First Sergeant John Jones, Sergeant H. C. Hallum, Sergeant W. J. B. Cubine, Sergeant W. H. Selkirk.

Corporal N. Capass, wounded; Corporal S. W. Greenleaf.

Privates—Ed. Drake, J. B. White, Thos. Buckingham, Patrick Stout, C. C. Brooks, C. C. Whitford, John Elliott, O. P. Saltsgiver, Alex. Joyce, Thomas Moran, Michael Dassey, L. A. Garvin, A. G. Gibson, S. D. Johnson, John Hardin, Wm. Daniels, William Carter, Thomas Phillips, James Campbell, D. H. Hatin, James McHugh, W. H. Rutherford, L. C. Thomason, John Wyall, E. F. Lyle, M. M. Bailey, M. V. Ray, S. R. Myers, B. Sharp, H. Carter, W. J. Miles, C. C. Jones, S. G. Casey, James Mosley, G. W. Cattlell, H. C. Peak,



J. L. PETIGRU

Fred. Waller, O. F. Wickerson, J. C. Hickey,
John Long, R. Garner, T. M. Menitt, J. T. Mar-
shall, J. W. Marshall.

Doc. 75.

SPEECH OF JUDGE J. L. PETIGRU.

to have been done before? Was there any body that ever fought before General Beauregard War, unfortunately, is not a new thing. Its history is found on every page. Was there ever a law like this endured, practised, or heard of? I certainly is not found among the people from whom we derive the common law. No English monarch or Parliament has ever sanctioned a



Portrait of J. L. Petigru, 1850s

J. L. PETIGRU

Portrait of J. L. Petigru, 1850s. The portrait is a black and white photograph of J. L. Petigru, a man with long dark hair, wearing a dark suit jacket over a light-colored shirt and a dark bow tie. He is looking slightly to the right of the camera with a serious expression.

Fred. Waller, O. F. Wickerson, J. C. Hickey, John Long, R. Garner, T. M. Menitt, J. T. Marshall, J. W. Marshall.

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MR. PETTIBONE

Fred. Waller, O. F. Wickerson, J. C. Hickey, John Long, R. Garner, T. M. Menitt, J. T. Marshall, J. W. Marshall.

Doc. 75.

SPEECH OF JUDGE J. L. PETIGRU.

On the seventh of November, 1861, at the opening of the first court held in Charleston, South-Carolina, after the secession of that State, Judge Petigru appeared and responded to a writ of garnishment, served by the rebel authorities.

After reading the writ of garnishment, served upon him, and interrogatories attached, in reference to an alien enemy's property.

He said the objection he had to these interrogatories was, that no human authority has the right to put these questions to him or any one in the same circumstances. He might recognize the right of South-Carolina to do as proposed by the Act, because in a State like South-Carolina a sufferer has no security or remedy against those in power, unless from some guarantee in the Constitution of the State. For a State may do whatever it is not forbidden to do by the fundamental law of the State. But the confederate States have no such claim to generality. Their authority is confined to the constitution which confers it and the powers delegated to them, and whereas, in the case of a sovereign, we must show a guarantee *against* the power, in the case of the Confederacy they must show a warrant *for* their power.

There is no article in the Constitution of the confederate States which authorizes them to set up an inquisition, or to proceed otherwise than according to the laws of the land. In fact, the best authority for this proceeding is Hudson's treatise on the Star Chamber, in Second Collectanea Juridica. It will be found that the method prescribed in this confiscation act is precisely that of the Star Chamber. They call this a writ of garnishment; Mr. Hudson calls it a subpoena. This calls upon me to disclose all the cases in my knowledge of property held by an alien enemy. Mr. Hudson requires the party to appear before the Star Chamber, and answer all questions which shall be put to him. These are alike in being general. There is no plaintiff. It is an inquisition. . . . If no such power has been granted, how can such a thing be legal? . . . What is incident to cases of the war power, the grant of the war-power covers; but does the war power require the creation of a star-chamber to wrong and harass our people? . . . Where is the authority given? Where is the power to call upon the citizen in a new and unheard-of manner, to answer questions upon oath for the purpose of enforcing the confiscation law? Shall it be said that it is to furnish the means for carrying on the war? How can that be said to be necessary, which is absolutely never known

to have been done before? Was there any body that ever fought before General Beaurgard? War, unfortunately, is not a new thing. Its history is found on every page. Was there ever a law like this endured, practised, or heard of? It certainly is not found among the people from whom we derive the common law. No English monarch or Parliament has ever sanctioned or undertaken such a thing. It is utterly inconsistent with the common law to require an inquisitorial examination of the subjects of the laws of war. It is no more a part of the law of war than it is a part of the law of peace.

All that can be said in favor of the end and object proposed, can be said in favor of the Star Chamber and the Spanish Inquisition. Torquemada set on the latter institution with the best of motives. It was to save men's souls. He labored most earnestly, in season and out of season; and when high necessity commanded, he burnt their bodies to save their souls. . . . We do not consider that the end justifies the means in these days, but Torquemada might have burnt Jews and Protestants, without calling upon their best friends to inform against them, and making it penal not to do so.

The war power includes as an incident, every thing which is necessary and usual. It cannot be pretended that this is necessary or usual, since it never was done before. This is not the first war that ever was waged; and the laws of war are not the subject of wild speculation. Now, the means granted to attain this end are based upon the supposition that the end deserves all commendation; that nothing in the world is more calculated to advance the repute of the country than to be keen in searching out the property of enemies and proceeding against them when they have no opportunity to be heard, and to impoverish them by taking away the earnings of their industry and applying it to other uses. . . . It would be the most intolerable hardship for me, for a citizen, at every quarter session to be obliged to tell all he knows or suspects against his neighbor. It is pretended that it is an innocent proceeding. How can that be innocent which calls upon one to commit a breach of trust?

The law protects every man in keeping silence when a question is asked that involves professional confidence. There can be no greater oppression than to compel a person to violate a moral or legal duty.

Something should be said about the objects of this law, for there is a very common error in supposing that it applies to the estates of native citizens who are living abroad in an enemy's country. The term alien enemy is the only one used in the act. It is a definite, technical construction. An alien enemy must be born out of the allegiance of the sovereign. There can be no dispute about it. He is not an alien enemy if he was born within the domains of the sovereign. A sovereign has a right to require his return. He may call on him to come home. What it is in the sovereign's power to do, and what he may

do with his subject when he refuses to return, is another matter, but until he has been called on by his sovereign to return, a man commits no breach of duty in living in an enemy's country, according to law. It is impossible that the makers of the law should not be aware of this, and they seem to have purposely left this open for the interposition of humanity.

Judge Petigru denied that there was any precedent for this law; and a freeman could not be compelled to aid this confiscating law, by informing against both his friends and enemies. It was this which moved those brave men, who not only shook the pillars of monarchy to its base, and abolished the Star Chamber, but did it with the declaration that no such thing should be tolerated again. Are we going, in the heyday of our youth, to set an example which has been repudiated by every lover of freedom from the beginning of time to this day, which has never found an advocate, shocks the conscience, and invades the rights of the private citizen?

It is an extraordinary stretch of power, in an extraordinary time, when we are endeavoring to make good before the world our right to its respect as an enlightened people—a people capable of self-government, and of governing themselves in a manner worthy of the civilization and light of the age, and this act, borrowed from the darkest period of tyranny, is dug up from the very quarters of despotism, and put forward as our sentiments. They are not my sentiments; and sorry will I be if in this sentiment I am solitary and alone. . . . With regard to that which requires the violation of professional confidence, he must be better instructed before making up his mind to the order of responsibility or not. There are cases when it is dishonor or death—and death will certainly be chosen by every man who deserves the name.

Mr. Miles, the District-Attorney, moved that Judge Petigru make a return to the Court of Garnishment, in which the question asked by him should be raised, that if the first duty which devolved upon his Honor since he had put on his robes, and opened the first term of the confederate Court in South-Carolina, was to listen to an invective against the government whose commission he bore—at least so much respect might be paid to the mandate of the Court, which issued, with the sanction of his Honor's name, that a formal return might be made to it, so that the points made by the respondent, in which not only the constitutionality of the law passed by the Congress of the confederate States, but the very authority of that Congress itself, and the validity of the government which it represents, are drawn in question, may be at least set down for argument, and not be allowed to be treated only with invective.

He might be pardoned, however, if, in passing, he called the attention of the audience, for whose benefit the remarks of the respondent seem to have been made, to the singular position which the succinct respondent to-day for the first time

occupied. It was not strange that one who had so often distinguished himself by the undaunted boldness with which he threw himself in opposition to the weight of public opinion, should be the one who now invoked the aid of the Court to protect those whom the law of Congress designates as alien enemies, but whom he still prides himself on calling "fellow-countrymen," from the tyranny of a government which attempts to make their property subject to the rules of war. This was consistent with his past position. But it was certainly a remarkable metamorphosis that the eminent jurist who fearlessly, and almost alone, in his opposition to the political sentiments of the State, should now invoke the strictest and sternest construction of State rights that had ever been contended for even in South-Carolina, in opposition to the power of the confederate government to pass a law in relation to a subject-matter expressly intrusted to Congress by the Constitution.

It is true that the profession of submission to the authority of the State in this matter was accompanied by the explanation, that such submission would be given only because there could be no successful resistance to the tyranny. But even with this qualification, the acknowledgement of the authority of the State was remarkable from such a quarter.

Doc. 76.

BRECKINRIDGE AND THE BLACK FLAG.

OFFICIAL CORRESPONDENCE.

HEADQUARTERS DEPARTMENT OF THE GULF,
NEW-ORLEANS, August 17. }

SIR: I am directed by the Major-General Commanding to send you the following important official correspondence, in order that it may be put upon record in an enduring form.

The flag under which the confederates have hitherto fought is so dark to us, that a slight change of color will not be observable.

Respectfully yours,

R. S. DAVIS,
Captain and A. A. G.

HEADQUARTERS IN THE FIELD,
NEAR BATON ROUGE, August 14. }

To the Commanding Officer of the United States Forces at Baton Rouge:

SIR: The object of this communication is to call your attention to acts of outrage recently committed in this part of the confederate States, under the orders of officers of the United States army, and to other acts which, I am informed, are in contemplation under the same orders.

Many private houses have been wantonly burned, much private property has been taken or destroyed without compensation, many unarmed citizens have been seized and carried away into imprisonment upon false and frivolous pretenses, and information has reached these headquarters that negro slaves are being organized and armed, to be employed against us.

It is also stated that the Mayor of Bayou Sara

has been ordered (in case he cannot procure negroes) to impress all able-bodied white persons, for the purpose of loading coal upon the boats of the United States fleet.

It has been the earnest desire of the confederate authorities to conduct this war according to the usages of civilized nations, and they will adhere to them so long as they are respected by the United States.

I am instructed by Major-General Van Dorn, commanding this department, to inform you that the above acts are regarded as in violation of the usages of civilized warfare; and that in future, upon any departure from these usages, "he will raise the black flag, and neither give nor ask quarter."

I have the honor to request an answer to this communication, informing me of your future purposes touching the acts herein complained of.

I am, very respectfully, your obedient servant,
J. C. BRECKINRIDGE,
Major-General C. S. A.

HEADQUARTERS UNITED STATES FORCES, }
BATON ROUGE, Aug. 14, 1862. }

GENERAL: In reply to your communication of this date, I have the honor to make the following statement:

None of the acts therein referred to have been committed to my knowledge, in this part of the United States, under the order of our officers.

No private houses have been wantonly burned. Since your attack of the fifth instant disclosed your purpose to drive this army from the public property of the United States, I have determined to adopt such measures as will enable me, in strict accordance with the laws of civilized warfare, to maintain my present position. The accomplishment of this purpose compels me reluctantly to burn a small number of houses, including those of the United States Government and of private persons. While it is not impossible that, through mistake, injustice may have been done in individual cases; and although the vigilance of officers may not always suffice to prevent wrong on the part of subordinates, yet I believe that no unarmed citizen has been seized or carried into imprisonment on false or frivolous pretexts. No negro slaves have been armed against you in this department. I have no information respecting the order alleged to have been issued to the Mayor of Bayou Sara.

In future I shall permit no wanton destruction of private property. I shall permit no unarmed citizens to be seized upon false and frivolous pretexts. I shall not arm negroes unless in accordance with the laws of the United States.

But I am informed that a corps of blacks fought against us in the recent battle of Baton Rouge; and that our pickets were found tied to trees, shot through the head. And I am sorry to remind you that a most barbarous system of guerrilla warfare is authorized by your officers, and practised by your men in this department. While we saved your drowning men at Memphis, you shot ours at White River. I am informed, too, that occasionally you have raised the black flag

at the commencement of an action. Nevertheless, I shall never raise the black flag, which all civilized nations abhor; but I shall try to maintain the flag which you have so often promised to defend. Your obedient servant,

HALBERT E. PAINE,
Colonel Commanding U. S. Forces
Major-General JOHN C. BRECKINRIDGE, C. S. A.

Doc. 77.

MARYLAND AND MASSACHUSETTS.

Proceedings in the Legislature of Massachusetts, upon the Act of the State of Maryland appropriating seven thousand dollars for the Families of those belonging to the Sixth Regiment of Massachusetts Volunteers, who were killed or disabled by wounds received in the Riot at Baltimore, April 19th, 1861.

COMMONWEALTH OF MASSACHUSETTS.

EXECUTIVE DEPARTMENT, BOSTON, April 22, 1862.

To the Honorable the House of Representatives:

I DEEM it due to the honorable conduct of the State of Maryland toward the surviving soldiers of Massachusetts, wounded by the mob in Baltimore, on the nineteenth of April, 1861, and toward the families of those soldiers who were disabled or slain, to make formal communication to the General Court of Massachusetts of the action taken by the General Assembly of Maryland for their relief.

I do therefore with this Message transmit to the General Court for its information a certified copy, this day received by me, of an Act passed by the General Assembly of Maryland, entitled, "An Act for the Relief of the Families of those of the Massachusetts Sixth Regiment of Volunteers, who were killed or wounded in the Riot of the nineteenth of April, 1861, in Baltimore."

JOHN A. ANDREW.

MARYLAND, SCT.

At a session of the General Assembly of Maryland begun and held at the city of Annapolis, on the first Wednesday of January, being the first day of the same month, in the year of our Lord eighteen hundred and sixty-two, and ended on the tenth day of March of the same year, His Excellency Aug. W. Bradford, Governor, Esq., among others the following law was enacted, to wit:

No. 99. An Act for the Relief of the Families of those of the Massachusetts Sixth Regiment of Volunteers, who were killed or wounded in the Riot of the nineteenth of April, eighteen hundred and sixty-one, at Baltimore.

Whereas, The Sixth regiment of Massachusetts volunteers, on their way to defend the National Capital, were brutally attacked by a mob in the streets of Baltimore, on the nineteenth day of April, eighteen hundred and sixty-one, and three were killed and eight wounded, and

Whereas, The State of Maryland is anxious to do something to efface that stain from her hitherto untarnished honor; therefore,

Section 1st. Be it enacted by the General Assembly of Maryland, that the sum of seven thousand dollars be and the same is hereby appropriated and placed at the disposal of His Excellency John A. Andrew, or any one acting as Governor of the Commonwealth of Massachusetts, who shall disburse the same in the manner and proportion he thinks best for the relief of the families of those belonging to the Sixth regiment of Massachusetts volunteers who were killed or disabled by wounds received in the riot of the nineteenth of April, in Baltimore.

Section 2. And be it enacted, That this Act shall take effect from the date of its passage.

By THE HOUSE OF DELEGATES, March 10, 1862.

This engrossed Bill, the original of which passed the House of Delegates, by yeas and nays, on the twenty-seventh day of February, 1862, was this day read and assented to.

By order, T. S. THOMAS,
Chief Clerk.

By THE SENATE, March 10, 1862.

This engrossed Bill, the original of which passed the Senate, by yeas and nays, on the fifth day of March, 1862, was this day read and assented to.

By order, C. HARWOOD,
Secretary.

[The great Seal of Maryland.]

A. W. BRADFORD.

MARYLAND, SCT.

I, William A. Spencer, Clerk of the Court of Appeals of Maryland, do hereby certify that the foregoing is a full and true copy of the Act of the General Assembly of Maryland, of which it purports to be a copy, as taken from the original engrossed bill, deposited in and belonging to the office of the said Court of Appeals.

In testimony whereof I have hereunto set my hand as Clerk, and affixed the seal of the said Court of Appeals of Maryland, this nineteenth day of April, A.D. 1862.

WM. A. SPENCER,
Clerk Court of Appeals of Md.

COMMONWEALTH OF MASSACHUSETTS.

In SENATE, April 26, 1862.

The Committee on Federal Relations, to whom was referred the Message of His Excellency the Governor, transmitting the Act of the Legislature of Maryland, entitled, an Act for the Relief of the Families of those of the Massachusetts Sixth Regiment of Volunteers who were killed or wounded in the riot of nineteenth of April, 1861, at Baltimore, report the accompanying Resolve.

Per order, W. D. NORTHEED,
Chairman.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Eight Hundred and Sixty-Two.

Resolve in relation to the Act passed by the General Assembly of Maryland for the Relief of the Families of the killed and wounded of Massachusetts at Baltimore, on the nineteenth of April, eighteen hundred and sixty-one.

Resolved, That the Commonwealth of Massachusetts hereby acknowledges the liberal appro-

priation of her sister State of Maryland, for the relief of the wounded and of the families of the killed of the Sixth regiment of Massachusetts volunteers, in the lamentable occurrences at Baltimore on the nineteenth of April, eighteen hundred and sixty-one. The people of Massachusetts will welcome with sincere and cordial satisfaction this evidence of the generous sympathy of the people of Maryland, which will tend to restore and strengthen that kind and fraternal feeling which should ever exist between the citizens of the different States of this Union.

Resolved, That His Excellency the Governor be requested to transmit a copy of this Resolve to His Excellency the Governor of Maryland, with the request that it be laid before her Legislature at its next session.

In SENATE, April 23, 1862.

The Resolve in relation to the Act passed by the General Assembly of Maryland, for the relief of the families of the killed and wounded of Massachusetts at Baltimore, nineteenth April, 1861, was discharged from the Orders of the Day and considered.

William D. Northend, of Essex, addressed the Senate at follows:

MR. PRESIDENT: In this hour of darkness to the Republic, when suspicion and distrust prevail, and the public mind is inflamed with bitter animosities, the slightest occurrence exhibiting good will, the smallest word spoken in kindness by one portion of this people to another, is not without its beneficent effect. The State of Maryland, from her position, her business, her social connections, and her institutions, was susceptible to the contagion of rebellion which had swept like a blight through States on her border. And, maddened by the distractions of the time, by the malaria which was borne upon every breeze from the South, a portion of her people committed a most grievous crime against the Government by murderous assaults upon loyal citizens hastening to the national capital to protect it from traitor hands which were raised for its destruction, and the victims were men of Massachusetts, our own neighbors, brothers, and sons. Massachusetts felt most deeply the wrong, but she felt it more in sorrow and sadness than in anger. She mourned that any citizen could raise his hand against that Government which had showered blessings upon all, and in whose perpetuity all her hopes of the future were centred. It was more to her than the loss of her children. And now, when by the patriotic efforts of the sons of Maryland, that noble State is rescued from the vortex of secession into which a portion of her people would have plunged her, she speaks to Massachusetts. She deplores the wrong which some of her citizens committed, and, although as a State she was not responsible for it, she sends from her treasury for the relief of the wounded and the families of the killed. The loyal heart of Maryland has spoken. Massachusetts will respond with a magnanimous spirit. Side by side, and shoulder to shoulder, the sons of Maryland and of Massachusetts are fighting the battles of

our country; and when the blessings of peace shall be proclaimed, with not a star obliterated from our banner, may all these experiences contribute to cement these two noble and ancient States in the common brotherhood of the Union.

Daniel S. Richardson, of Middlesex, spoke as follows:

MR. PRESIDENT: The Resolve now before the Senate again calls to mind the circumstances under which the nineteenth day of April has been made a second time memorable in the history of our country. During the struggle of our forefathers for the independence of this nation, the first sacrifice of human blood to the great cause of freedom and the elevation of mankind, in the wisdom of Providence, was permitted to be on the nineteenth of April, and it was the blood of citizens of the county of Middlesex, within our Commonwealth, shed on the soil of the town of Lexington, and before the eyes of their kindred and friends. After years of the enjoyment of that freedom, in the wisdom of Providence, on the same day of April, in the cause of liberty, another sacrifice of human blood has been permitted, and, first of all, the blood of citizens of the same county of Middlesex, but on the soil of another State, away from kindred and friends. The city of Lowell, in that county, part of the senatorial district which I have the honor to represent at this Board, furnished victims for the second sacrifice. It is with deep and almost overwhelming awe, that I stand here and dare to contemplate the coincidence of day and month, and the further startling facts that out of the immense territory of our Union, twice, and many years apart, first in the Revolution, and second in this great and wicked rebellion, the first human blood should each time be required from the county of Middlesex. How can we help being certain that the extraordinary parallel will be carried still further, and that this second great struggle will as surely end successfully in preserving, as the first did in establishing the Union?

At Lexington a monument stands over the remains, and in honor of the memory, of the yeomen of the county who fell at that place at the first sacrifice, and from it visitors from far and near have read and will forever read the great lesson of liberty. In Lowell, now an industrial city of nearly forty thousand inhabitants, but which forty years ago did not even have a municipal existence, from out of the industrial classes of the citizens, Luther C. Ladd and Addison O. Whitney, two young men who fell in Baltimore, have found an honored grave. Cruelly killed among strangers, whose liberties they were marching to protect, their remains were brought home to be followed to their last sacred resting-place by a weeping city. The remains of Sumner H. Needham, slain at the same time, rest in the younger and sister city of Lawrence, in the county of Essex, and those of Taylor, whose residence and friends are yet unknown, repose under the soil of the city of Baltimore, where he was killed. Ladd, Whitney, Needham, and Taylor will forever be remembered as the four patriots who fell in Bal-

S. D. 26.

timore on the nineteenth of April, 1861, and who first shed their blood in the suppression of this rebellion. Over their remains monuments will be erected to aid in teaching the second series of great lessons in our national history. What will those lessons be? Who dares answer, when he looks forward among the myriads who in the great and boundless future are to read them and to profit by them? To us, however, they offer words of instruction, which we may read with interest and possibly without error. Our Revolution was a struggle of an intelligent people, the governed, to elevate and govern themselves by established laws and not by the will of men, an inestimable benefit to mankind, and this second struggle is to preserve the government thus established. Indeed, there is no escape from the conclusion, that as in both struggles the first blood was shed from among the yeomanry and industrial population of the country, so the great objects to be won and the certain results in both cases were to be for the benefit of the masses of the people and for their signal triumph over the ambitious and corrupt few, whose only aim was power.

The General Court of Massachusetts has made provision for those who were injured, and for the families of those who were killed in Baltimore. The additional pecuniary provisions so honorably made by the Assembly of Maryland, will add to the comfort of the sufferers, and the Resolve before us acknowledges, in just and friendly terms, the generous act of the Assembly. But this act of Maryland takes an almost infinitely higher position among men for other reasons than the comforts it affords these sufferers. As an indication of the supremacy of kindly feelings and brotherly love it is a priceless act. After the terrible and painful history of the past year, it causes our blood to thrill through our veins, to hear from divided and distracted Maryland that angry passions have subsided, and that calm reason and benign justice and right have gained the ascendancy there. Within less than a year from the time when the blood of the volunteer citizen soldiers of Massachusetts, of the Sixth regiment, marching by order of the President of the United States to aid in defending the Union and suppressing the rebellion, was shed in Baltimore by an angry and unmanageable populace, the Assembly of Maryland, speaking for the people of the State, by which that body was elected, extends to the Commonwealth of Massachusetts the hand of friendship, and to those who were injured and the friends of those who were slain, comfort and relief. The stain of blood in the streets of Baltimore has become matter of history, and can never be washed out, but the States of Maryland and Massachusetts do now, and we may well hope, when this rebellion is crushed out, will forever continue to maintain the most friendly relations with each other; and although they will alike regret the bloody sacrifice of April nineteenth, 1861, they will for ever look back upon it as permitted in the wisdom of Providence for the common good. That day's work formed no inconsiderable part of the events which aroused the patriotism of half

a million soldiers, and brought them into the field in defence of the Union.

Maryland thus extends the hand of friendship to the more Northern States. Missouri and Kentucky, through their acts and their sufferings, have done the same. Let Massachusetts and each State at the North, cordially grasp their friendly hands. Let it be proclaimed and understood, that as soon as the wild and wicked ambition of rebel leaders is put down, and the people of the seceding States having been truly informed of the friendly feelings that at the North everywhere prevail toward them when separated from their false-hearted and corrupt leaders, will meet on common and friendly grounds, then each State will be welcomed back into the family of the Union, not as a dependent and subjugated territory, but as an equal and independent and sovereign State. And let us hope that this gleam of light which comes so cheerily from Maryland to Massachusetts, (and I hope we shall signally recognize it by the unanimous adoption of this Resolve,) is the early morning twilight that follows the dark and stormy night which has been upon us, and that ushers in the bright and perpetual day of peace, prosperity, and happiness, which this great and again friendly and united people is yet to enjoy, and the blessings of which they are to preserve and to transmit to posterity as an inheritance forever.

Alvah Crocker, of Worcester, spoke as follows:

MR. PRESIDENT: God bless Maryland! God bless the land of Carroll, of Hicks, of Johnson! Sir, for the noble act she has consummated—for the olive branch she has extended—for the germ of friendship she has planted, surely destined to put forth, to blossom, to bear the richest fruit—twining us together—drawing the cords of love around our very heart-strings—for this, I say again God bless her? Sir, it was my fortune in December last to enjoy an interview at Maryland's capital, Annapolis, with some of the delegates of her Assembly. The discussion at that time began in bitterness, to be ended in mutual confidence. I took occasion then, sir, to assure those men that Massachusetts was a Union-loving State, her people would stand by the Constitution of the United States, now and always, until changed by a constitutional majority. And during our discussion, sir, with our hearts warmed by this interchange of sentiment, they turned to our maimed and dead of Baltimore of the memorable nineteenth of April, and to the condition of their friends, and to the subject of making the reparation acknowledged by this resolve, reparation so *befitting* the character of a sovereign State. I hailed it as the first dawn of light over our unhappy and bleeding country—of day breaking in upon us. Sir, when ultraism on both sides of "Mason and Dixon's line" shall have sufficiently drenched us in sorrow, in blood—when homes enough have been desecrated—families enough decimated—and O sir! hearts enough stricken and broken, victims enough sacrificed to this hydra monster, this Moloch of secession, of fanatism—

ay, sir, when again our proud eagle shall spread her broad pinions from Oregon to Mexico, our glorious flag again be unfurled, saluted, honored—every star again in its place—again shedding its appropriate lustre over all the broad acres of our land; ay, sir, with that sacred instrument of constitutional liberty now, too, again in its place, though baptized as it will be, in the *deepest crimson*, then again to be worshipped and venerated the more, as the pole-star of our future course—so long as Massachusetts has a heart to love and sustain it, will she remember this act of comity of her sister State of Maryland, cementing and binding us together as it does more closely forever; and by us, sir, Massachusetts Senators, now, hereafter, always, till cold in our coffins, shall the inspiration of this act of Maryland now before us, be cherished and embalmed upon the page of grateful memory.

[The President (John H. Clifford) in putting the question upon the Resolve, in order to give the most emphatic approval of the Senate to this fraternal legislation of Maryland and Massachusetts, requested the Senators in favor of its passage, to signify it by rising in their places—whereupon the Resolve was unanimously passed.]

The Resolve was then transmitted to the House of Representatives, and unanimously passed in that branch.]

Doc. 73.

CAPTURE OF FORT DONELSON.

SUPPLEMENTAL REPORT OF GEN. PILLOW.*

HEADQUARTERS THIRD DIVISION,
DECATUR, ALA., March 14, 1862.

Col. W. W. Mackall, A. A. General:

THE position we occupied was invested, on the eleventh of February, by a force which we estimated at about twenty thousand strong. This force had approached us partly by water, but mainly by land from Fort Henry. I considered the force we had sufficient to repulse the assault of this force. We repulsed everywhere a vigorous assault made by our enemies against our position. Fresh troops continued to come every day by water until the fourteenth. We are satisfied the enemy's forces are not short of thirty thousand men. Our impressions of his strength were confirmed by prisoners we had taken on that day.

This evening the enemy landed thirteen steamboat loads of fresh troops. It was now manifest that we could not long maintain our position against such overwhelming numbers. I was satisfied the last troops were of General Buell's command. We felt the want of reinforcements, but we did not ask for them, because we knew they were not to be had. I had just come from Bowling Green, and heard that General Johnston could not spare a man from his position. He had, in fact, already so weakened himself, that he could not maintain his position against a vig-

* See page 164 Docs., Vol. IV. REBELLION RECORD.

orous assault. Under these circumstances, deeming it utterly useless to apply for reinforcements, we determined to make the best possible defence we could with the force in hand. Our investment by a force of thirty thousand men on the fourteenth being completed, and the enemy on that evening having received thirteen boat-loads of fresh troops, a council of general officers was convened by General Floyd, at which it was determined to give battle at daylight the next day, so as to cut off the investing force, if possible, before the fresh troops were in position. In that council I proposed as a plan of attack, that with the force in the intrenchments of our left wing, and Colonel Hanson's regiment, of General Buckner's division, I should attack the enemy's main force, on his right, and, if successful, that would roll the enemy on his line of investments to a point opposite General Buckner's position, where he would attack him in flank and rear, and drive him, with our united commands, back upon his encampments at the river. To this proposition, so far from allowing me to have Colonel Hanson's regiment, General Buckner objected. I waived the point, saying I only asked the assistance of that regiment, because my portion of the labor was, by far, the greatest to be performed, and that upon my success depended the fortunes of the day, and that a very large portion of the troops I had to fight were fresh troops and badly armed.

General Buckner then proposed as a modification of my plan of battle, that he should attack the enemy simultaneously with me, that his attack should be against the position of the Wynn's ferry road, where he had a battery nearly opposite the middle of the left wing, and that he would thus lessen the labors of my command, and strike the enemy in a material point. To this modification I agreed, as an improvement upon my proposed plan. In carrying out this plan, thus agreed upon, it became proper for Colonel Heiman's brigade to maintain its position in the line, otherwise the enemy might turn the right of General Buckner's position, take his forces on the right flank, and thus defeat our success. It was arranged accordingly. General Floyd approved this plan of battle, and ordered that it should be carried out next morning by daylight. I then sent for all the commanders of brigades, to explain to them our situation, (being invested,) our purpose, our plan of battle, and to assign to each brigade its proper position in my column, all of which was done, and I gave orders to have my whole force under arms, at four and a half o'clock, and to be ready to march out of our works precisely at five o'clock.

At four o'clock I was with my command, all of which were in position, except Colonel Davison's brigade, none of which were present. I immediately directed General B. R. Johnson, who was present, and to whose immediate command Colonel Davison's brigade belonged, to despatch officers for that brigade, and to ascertain the causes of delay. He did so. I likewise sent several officers of my staff on the same duty. Both

sets of officers made the same report, namely: Colonel Davison had failed to give any orders to the colonels of his command, and that Colonel D. was sick. It is proper to state he was complaining of being sick when the orders were received. The instructions to the brigade commanders were given about two o'clock that morning. My command was delayed in its advance about half an hour by the necessity of bringing up the brigade.

My column was finally ready, and put in motion about fifteen minutes after five o'clock. I moved with the advance, and directed General B. R. Johnson to bring up the rear. The command of Colonel Davison's brigade devolved upon Colonel Simonton, which, owing to the reasons already stated, was brought into column in the rear, and into action last, under General Johnson, to whose report, for its good behavior on the field, I particularly refer, having, in my original report, omitted to state its position on the field. Many of these incidents, not deemed essential to the proper understanding of the main features of the battle of the twelfth of February, were omitted in my original report, but are now given as parts of its history. In my original report, I gave the after operations in the battle of the fifteenth February, and shall now pass over all the events occurring until the council of general officers, held on the night of the fifteenth. The lodgment of the enemy's force, in the rifle-pits of General Buckner's extreme right, late on the evening of the fifteenth February, induced General Floyd to call a meeting of general officers at headquarters that night.

We had fought the battle of the fifteenth to open the way through the enemy's line of investments, to retire to the interior. The battle had occupied the day. We were until twelve o'clock that night burying the dead. At about one o'clock, we had all the commanders of regiments and brigades assembled, and given orders to the entire command, to be under arms at four o'clock to march out on the road leading toward Charlotte. I had given instruction to Major Hays, my commissary, and Major Jones, my quartermaster, immediately after our evacuation of the place, to burn all the stores. About three o'clock (perhaps a little earlier) we received intelligence from the troops in the trenches, that they heard dogs barking around on the outside of our lines, and the enemy, they thought, were reinvesting our position. General Floyd immediately directed me to send out scouts to ascertain the fact. This duty was performed. When the scouts returned, they reported the enemy in large force occupying his original position, and closing up the routes to the interior. Not being satisfied with the truth of the report, I directed Colonel Forrest to send out a second set of scouts, and at the same time directed him to send two intelligent men up the bank of the river, to examine a valley of overflowed ground, lying to the rear and right of the enemy's position, and if the valley of overflowed ground could be crossed by infantry and cavalry, and to ascertain if the ene-

my's forces reached the river bank. The one set of scouts returned and confirmed the previous reports, namely: That the woods were full of the enemy, occupying his former position in great numbers. The scouts sent up the river to examine the overflow, reported that the overflowed valley was not practicable for infantry, that the soft mud was about half-leg deep, that the water was about saddle-skirts deep to the horses, and that there was a good deal of drift in the way. We then sent for a citizen, whose name is not remembered, said to know that part of the country well, and asked his opinion. He confirmed the reports of the river scouts.

In addition to the depth of the water, the weather was intensely cold, many of the troops were frost-bitten, and they could not stand a passage through a sheet of water. With these facts before us, Generals Floyd, Buckner, and myself, the two former having remained at my quarters all the intervening time, held a consultation, when General Floyd said: "Well, gentlemen, what is now best to be done?" Neither General Buckner nor myself having answered promptly, General Floyd repeated his inquiry, addressing himself to me by name. My reply was, it was difficult to determine what was best to be done, but that I was in favor of cutting our way out. He then asked General Buckner what he thought we ought to do. General Buckner said his command was so broken down, so cut up, and so demoralized, he could not make another fight, that he thought we would lose three fourths of the command we had already left if we attempted to cut our way out, and that it was wrong. No officer had a right to sacrifice three fourths of a command to save the other fourth. That we had fought the enemy from the trenches, we had fought him from his gunboats, and fought our way through his line of investments, that we were again invested with a force of fresh troops, that the army had done all duty and honor required it to do, and more was not possible.

General Floyd then remarked that his opinions coincided with General Buckner. Brigadier-General B. R. Johnson had previously retired from the council to his quarters in the field, and was not present. In my original report, I stated it was my impression Major Gilmer was consulted, and concurred in the opinions of Generals Buckner and Floyd; but from subsequent conversations with Major Gilmer, I learn from him he had retired to another room and lain down, and was not present at this part of the conference, and I am therefore satisfied that I was mistaken in the statements in regard to him.

The proposition to cut our way out being thus disposed of, I remarked that we could hold our position another day, and fight the enemy from our trenches; that by night our steamboats that had taken off the prisoners and our own wounded men would return, and that during the night we could set our troops on the right bank of the river, and that we could make our escape by Clarksville, and thus save the army. To this proposition General Buckner said: "Gentlemen,

you know the enemy occupy the rifle-pits on my right, and can easily turn my position and attack me in the rear, or move down on the river battery. I am satisfied he will attack me at daylight, and I cannot hold my position half an hour." Regarding General Buckner's reply as settling this proposition in the negative, (for I had quite enough to do with my heavy losses of the previous day to defend my own portion of the lines, and I could give him no reinforcements,) I then said: "Gentlemen, if we cannot cut out, nor fight on, there is no alternative left us but capitulation, and I am determined that I will never surrender the command, nor surrender myself prisoner; I will die first." General Floyd remarked that such was his determination, and that he would die before he would do either. Thereupon, General Buckner remarked that such determinations were personal, and that personal considerations should never influence official action. General Floyd said he acknowledged it was personal with him, but nevertheless it was his determination. Whereupon, General Buckner said, that being satisfied nothing else could be done, if he was placed in command, he would surrender the command, and share the fate of the command. General Floyd immediately said: "General Buckner, if I place you in command, will you allow me to draw out my brigade?" General Buckner promptly replied: "Yes, provided you do so before the enemy act upon my communication." General Floyd remarked: "General Pillow, I turn over the command." I replied instantly: "I pass it." General Buckner said: "I assume it; bring me a bugler, pen, ink, and paper." General Buckner had received pen, ink, and paper, and sat down to the table and commenced writing, when I left and crossed the river, passing outside the garrison before General Buckner proposed his communication to the enemy, and went to Clarksville by land on horseback. I did not know what he had written until I saw the published correspondence with General Grant.

I may be asked if I was in favor of cutting my way out, why, when the command was turned over to me, I did not take it? My reply is, that, though technically speaking, the command devolved on me when turned over by General Floyd, it was turned over to General Buckner in point of fact. All parties so understood it. In proof of this, General Floyd, under his agreement with General Buckner, actually withdrew a large portion of his brigade, by setting them across the river in the steamer Gen. Anderson, that arrived just before daylight. In further proof of this, I embody in this report an order of General Buckner to General B. R. Johnson, after he had assumed command. A copy of order:

HEADQUARTERS, DOVER, February 16, 1862.

SIR: The command of the forces in this vicinity has devolved upon me by order of General Floyd. I have sent a flag to General Grant, and during the correspondence, and until further orders, refrain from hostile demonstrations, with a

view to prevent like demonstrations on the enemy's part. You will endeavor to send a flag to the posts in front of your position, notifying them of the fact that I have sent a communication to General Grant from the right of our position, and desire to know his present headquarters.

Respectfully, your obedient servant,

S. B. BUCKNER,
Brig.-Gen. C. S. A.

In addition to this, General Floyd was my senior, and of high character and acknowledged ability. General Buckner, though my junior in rank, possesses high reputation as an officer of talents and experience. With the judgment of both against me, if I had acted upon my own conviction, and had failed or involved the command in heavy loss, I was apprehensive it would be regarded as an act of rashness, and bring upon me the censure of the government, and the condemnation of the country. Besides, without their assistance in command, and with the moral weight of their opinions with the troops against the step, I did not regard it practicable to make a successful effort to cut out. I declined to assume the command when turned over by General Floyd, because it was against my convictions of duty to surrender the command, and under the decisions of Generals Floyd and Buckner, (a majority of the council,) I could do nothing but surrender it. It is proper to say that the difference of opinion between General Floyd, General Buckner, and myself, upon this branch of the subject, consisted in this, namely: They thought it would cost three fourths of the command to cut out. I did not think the loss would be so great. If it had been settled that the sacrifice would be as much as three fourths, I should have agreed with them that it was wrong to make the attempt. Again: I believe we could have maintained our position another day, and have saved the army by getting back our boats and setting our command across the river; but inasmuch as General Buckner was of opinion that he could not hold his command more than half an hour, and I could not possibly hold my own position of the line, I had no alternative but to submit to the decision of the majority of my brother general officers. While I thus differed with them in opinion, I still think I did right in acquiescing in opinion with them. We all agreed in opinion we could not long maintain the position against such overwhelming numbers of fresh troops. We all agreed the army had performed prodigies of valor, and that, if possible, further sacrifices should be avoided. Men will differ and agree according to their mental organization. I censure not their opinions, nor do I claim merit for my own. The whole matter is submitted to the judgment of the government.

Since my original report was prepared, I have seen and read the official accounts of General Grant and Commodore Foote. From these I learn that the damage done the enemy's gunboats on the thirteenth was greater by far than was represented by me in my original report.

Four of the enemy's gunboats were badly disabled, receiving over one hundred shells from our battery, many of which went entirely through from stem to stern, tearing the frame of the boats and machinery to pieces, and killing and wounding fifty-five of their crews. Among them was the Commander himself. There can, therefore, be no longer any doubt of the vulnerability of these heavy shots; but it required a desperate fight to settle the question, and there is danger that the public mind will run from one extreme to the other, and arrive at a conclusion undervaluing the power of the enemy's gunboats. In estimating the loss inflicted upon the enemy on the fifteenth February, I saw that the whole field of battle for a mile and a half was covered with his dead and wounded, and believe his loss could not fall short of five thousand men.

I am satisfied from published letters from officers and men of the enemy, and from the acknowledgments of the Northern press, that his loss was much greater than originally estimated in my report. I stated in my original report, that after we had driven the enemy from and captured his battery on the Wynn's ferry road, and were pursuing him around to our right, and after we had met and overcome a fresh force of the enemy, on the route toward his gunboats, I called off the pursuit, but in the hurry with which that report was prepared, I omitted to state my reasons for so doing. I knew that the enemy had twenty gunboats of fresh troops at his landing, then only about three miles distant; I knew from the great loss my command had sustained during the protracted fight of over seven hours, my command was in no condition to meet a large body of fresh troops, who, I had every reason to believe, were then rapidly approaching the field. General Buckner's command, so far as labor was concerned, was comparatively fresh, but its disorganization, from being repulsed by the battery, had unfitted it to meet and fight a large body of fresh troops. I therefore called off the pursuit, explaining my reasons to General Floyd, who approved the order. This explanation is now given, as necessary to a proper understanding of the order. It is further proper to say, that from the moment of my arrival at Donelson, I had the whole force engaged night and day in strengthening my position, until the fight commenced, and when the fighting ceased at night it was again at work. I did not, therefore, and could not, get a single morning report of the strength of my command.

The four Virginia regiments did not, I am confident, exceed three hundred and fifty each for duty. The Texas regiment did not number three hundred men. Several Mississippi regiments were equally reduced, while those of Colonels Voorhies, Abernethy, and Hughes, (new regiments,) were almost disbanded by measles, and did not exceed two hundred each fit for duty. Colonel Browden's regiment had but sixty men, and it was by my order placed under

Captain Parker to work artillery. All others were greatly reduced by wastage. The whole force, therefore, was greatly less than could be supposed from the number of nominal regiments. Of this force, General Floyd, under his agreement with General Buckner, before he turned over the command, drew out a large portion of his brigade (how many I do not know) by taking possession of the steamer *Anderson*, which arrived at Dover just before day, and setting them across the river. A large portion of the cavalry under orders passed out. All of the cavalry was ordered to cut out, and could have gone out but for the timidity of its officers. Several thousand infantry escaped one way or another, many of whom are now at this place, and all others are ordered here as a rendezvous for reorganization. From the list of prisoners published in Northern papers, which I have seen, it required the prisoners of six regiments to make nine hundred men. I do not believe the number of prisoners exceeded that stated by the Northern papers, which is put at five thousand one hundred and seventy privates.

During the afternoon of the fifteenth, I had caused the arms lost by the enemy to be gathered up from about half the field of battle, and had hauled and stacked up over five thousand stand of arms, and six pieces of artillery, all of which were lost in the surrender of the place for want of transportation to bring them away.

In regard to the enemy's force with which we were engaged in the battle of Dover, General Grant, in his official report, says that he had taken about fifteen thousand prisoners, that Generals Floyd and Pillow had escaped with fifteen thousand men, and that the forces engaged were about equal. While the estimate of prisoners taken, and the number with which General Floyd escaped, is wide of the mark, yet the aggregate of the numbers as given by himself, is thirty thousand, and his acknowledgments that the forces were about equal, furnishes conclusive evidence that we fought thirty thousand men; the same number given by prisoners taken. And agreeing with my original estimate of his strength, General Halleck, in a telegraphic dispatch of tenth February from St. Louis to General McClellan, said: "He had invested Fort Donelson with a force of fifty thousand men, and he had no doubt all communication and supplies were cut off." This corroborates Grant's statements, for the troops which arrived on the fourteenth and fifteenth of February, being twenty steamboat loads, had not reached the battle-field on the morning of the fifteenth, and it is probable that parts of those that arrived on the evening of the thirteenth had not reached it.

These sources make it clear, we fought thirty thousand of the enemy on the fifteenth; and that we were reinvested that night with all the enemy's disposable force, including his fresh troops, cannot be doubted. Nothing has occurred to change my original estimate of our loss in the several conflicts with the enemy, at the trenches, with the gunboats, and in the battle

of Dover. As to the absence still of regiment and brigade commanders, it is possible that I have not done justice to the officers in my commands. To Brigadier-General Johnson's report, which is herewith forwarded, I particularly refer for the conduct of officers and commands under his immediate observation during the battle. The forces under my immediate command, in the conflict with the enemy's right, did not exceed seven thousand, though they never faltered, and drove the enemy from his position, slowly and steadily advancing over one and a half miles, carrying the positions of his first battery, and two of his guns, and of a battery on the Wynn's ferry road, taking four more guns, and afterward uniting with General Buckner's command, drove the enemy back, sustained by a number of fresh troops.

Yet it is manifest that the fruits of our victory would have been far greater, had General Buckner's column been successful in its assault upon the Wynn's ferry road battery. Equally clear is it, that the enemy, effecting a lodgment in General Buckner's rifle-pits, on his right, brought the command into extreme peril, making it absolutely necessary to take immediate action, in which we were under the necessity of cutting our way out, or holding out another day and throwing the command across the river, or of capitulation. My own position upon these several propositions having been explained more fully and in detail in this, my supplementary report, nothing more remains in the performance of my duty to the government, but to subscribe myself, Very respectfully,

Your obedient servant,

GID. J. PILLOW,

Brig.-Gen. C. S. A.

NOTE.—That there may be no doubt of the facts stated in this report, I append the sworn testimony of Colonel Burch, Colonel Forrest, Majors Henry and Haynes and Nicholson, to which I ask the attention of the government.

GID. J. PILLOW,

Brig.-Gen. C. S. A.

NOTE.—My original estimate was, that our loss in killed and wounded was from one thousand five hundred to two thousand. We sent up from Dover, one thousand one hundred and thirty-four wounded. A Federal surgeon's certificate, which I have seen, says that there were about four hundred confederate prisoners wounded in hospital at Paducah, making one thousand five hundred and thirty-four wounded. I was satisfied the killed would increase the number to two thousand.

COLONEL BURCH'S STATEMENT.

DECATUR, ALA., March 15, 1863.

On Saturday evening, February fifteenth, all of the boats which we had at Donelson were sent up the river with our sick, wounded, and prisoners. After supper, a council of officers was held at Brigadier-General Pillow's headquarters. I was not present at this council, but during its session, being in an adjoining room, I learned from some officer that intelligence had been re-

ceived from scouts on the east side of the river, that fourteen of the enemy's transports were landing reinforcements one and a half or two miles below us, at their usual place of landing. After I had learned this, and during the session of the same council, two couriers came to Brigadier-General Buckner—one, and perhaps both, sent by Captain Graves of the artillery; one stating that a large force was forming in front of our right (General Buckner's) wing; the second stating that large bodies of the enemy were seen moving in front of our right, around toward our left. After the adjournment of this council, about eleven or twelve o'clock, I learned that it had been determined to evacuate the post, cut our way through the right wing of the enemy's investing force, and make our way toward Charlotte, in Dixon County.

Orders were given for the command to be in readiness to march at four o'clock A.M. After this, being in General Pillow's private room, where Generals Floyd, Pillow, and Buckner all were, two scouts came in, stating that the enemy's camp-fires could be seen at the same places in front of our left that they had occupied Friday. From the remarks of the Generals, this information seemed to be confirmatory of information which they had previously received. Major Rice, an intelligent citizen of Dover, was called in and interrogated as to the character of the road to Charlotte. His account of it was decidedly unfavorable. In the course of the conversation which then followed among the Generals—General Pillow insisting upon carrying out the previous determination of the council to cut our way out—Brigadier-General Buckner said that such was the exhausted condition of the men, that, if they should succeed in cutting their way out, it would be at a heavy sacrifice, and, if pursued by the large cavalry force of the enemy, they would be almost entirely cut to pieces. General Floyd concurred with General Buckner. General Pillow said: "Then we can fight them another day in our trenches, and by to-morrow we can have boats enough here to transport our troops across the river, and let them make their escape to Clarksville. General Buckner said—That such was the position of the enemy on his right, and the demoralization of his forces, from exposure and exhaustion, that he could not hold his trenches a half an hour. As an illustration of the correctness of his remark, he said: "You, gentlemen, know that yesterday morning I considered the Second Kentucky (Hanson's regiment) as good a regiment as there was in the service, yet such was their condition yesterday afternoon that, when I learned the enemy was in their trenches, (which were to our extreme right, and detached from the others,) before I could rally and form them, I had to take at least twenty men by the shoulders, and put them into line as a nucleus for formation." General Floyd concurred with General Buckner in his opinion as to the impossibility of holding the trenches longer, and asked: "What shall we do?" General Buckner stated that no officer had a right to

sacrifice his men, referred to our various successes since Wednesday, at Donelson, and concluded by saying that an officer who had successfully resisted an assault of a much larger force, and was still surrounded by an increased force, could surrender with honor; and that we had accomplished much more than was required by this rule. General Pillow said that he never would surrender. General Floyd said that he would suffer any fate before he would surrender, or fall into the hands of the enemy alive. At the suggestion of some one present, he said that personal considerations influenced him in coming to this determination, and further stated that such considerations should never govern a general officer.

Colonel Forrest, of the cavalry, who was present, said he would die before he would surrender; that such of his men as would follow him, he would take out. General Floyd said he would take his chances with Forrest, and asked General Buckner if he would make the surrender? General Buckner asked him if he (General Floyd) would pass the command to him? General Floyd replied in the affirmative. I understood General Pillow as doing the same. "Then," said General Buckner, "I shall propose terms of capitulation," and asked for ink and paper, and directed one of his staff to send for a bugler, and prepare white flags to plant at various points on our works. Preparations were immediately begun to be made by General Floyd and staff, General Pillow and staff, and Colonel Forrest, to leave. This was about three o'clock A.M. It was suggested by some one that two boats that were known to be coming down the river might arrive before day, and General Floyd asked, if they came, that he might be permitted to take off on them his troops. General Buckner replied that all might leave who could before his note was sent to General Grant, the Federal commander. Thus ended the conference.

After this I met or called on General Pillow in the passage, and asked him if there was any possibility of a misunderstanding as to his position? He thought not; but I suggested to him the propriety of again seeing Generals Floyd and Buckner, and see that there was no possibility of his position being misunderstood by them. He said he would, and returned to the room in which the conference was held.

In my statement of what transpired, and of the conversations that were had, I do not pretend to have given the exact language used, and I may be mistaken as to the order of the remarks that I have endeavored to narrate.

JOHN C. BURCH,
Aid to General Pillow.

Sworn to and subscribed before me this fifteenth day of March, 1862.

LEVI SUGANS,
Intendant of the town of Decatur, Ala., and ex-officio J. P.

COLONEL FORREST'S REPORT.

March 15, 1862.

Between one and two o'clock on Sunday morning, February sixteenth, being sent for, I arrived

at General Pillow's headquarters, and found him, General Floyd, and General Buckner in conversation. General Pillow told me that they had received information that the enemy were again occupying the same ground they had occupied the morning before. I told him I did not believe it, as I had left that part of the field, on our left, late the evening before. He told me he had sent out scouts, who reported large forces of the enemy moving around to our left. He instructed me to go immediately, and send two reliable men to ascertain the condition of a road running near the river-bank, and between the enemy's right and the river, and also to ascertain the position of the enemy. I obeyed his instructions, and awaited the return of the scouts. They stated that they saw no enemy, but could see their fires in the same place where they were Friday night; that from their examination, and from information obtained from a citizen living on the road, the water was about to the saddle-skirts, and the mud about half-leg deep in the bottom where it had been overflowed. The bottom was about a quarter of a mile wide, and the water then about one hundred yards wide. During the conversation that then ensued among the general officers, General Pillow was in favor of trying to cut our way out. General Buckner said that he could not hold his position over half an hour in the morning, and that if he attempted to take his force out, it would be seen by the enemy, who held part of his intrenchments, and be followed and cut to pieces. I told him that I would take my cavalry around them, and he could draw out under cover of them. He said that an attempt to cut our way out would involve a loss of three fourths of the men. General Floyd said our force was so demoralized as to cause him to agree with General Buckner as to our probable loss in attempting to cut our way out. I said that I would agree to cut my way through the enemy's lines at any point the General might designate; and stated I could keep back their cavalry, which General Buckner thought would greatly harass our infantry in retreat. General Buckner or General Floyd said that they (the enemy) would bring their artillery to bear on us. I went out of the room, and when I returned General Floyd said he could not and would not surrender himself. I then asked if they were going to surrender the command? General Buckner remarked that they were. I then stated that I had not come out for the purpose of surrendering my command, and would not do it if they would follow me out; that I intended to go out if I saved but one man; and then turning to General Pillow, I asked him what I should do? He replied: "Cut your way out." I immediately left the house and sent for all the officers under my command, and stated to them the facts that had occurred, and stated my determination to leave, and remarked that all who wanted to go could follow me, and those who wished to stay and take the consequences might remain in camp. All of my own regiment, and Captain Williams, of Helm's Kentucky regiment, said they would

go with me if the last man fell. Colonel Gaute was sent for and urged to get out his battalion as often as three times, but he and two Kentucky companies (Captain Wilcox and Captain Henry) refused to come. I marched out the remainder of my command, with Captain Porter's artillery horses, and about two hundred men, of different commands, up the river-road and across the overflow, which I found to be about saddle-skirt deep. The weather was intensely cold, a great many of the men were already frost-bitten, and it was the opinion of the generals that the infantry could not have passed through the water and have survived it.

A. B. FORREST,
Forrest's Regiment Cavalry.

Sworn to and subscribed before me on the fifteenth day of March, 1862. LEVI SEGANS,
Intendant of town of Decatur, Ala., and ex-officio J. P.

MAJOR HENRY'S STATEMENT.

DECATUR, ALA., March 12, 1862.

On the morning of the sixteenth February, 1862, I was present during the council of war held in Brigadier-General Pillow's headquarters at Dover, Tennessee, Generals Floyd, Pillow, Buckner, and General Pillow's staff being present. On account of being very much exhausted from the fight of the fifteenth instant, I slept the fore-part of the night, and came down-stairs from my room into General Pillow's about one or two o'clock. At the time I entered General Pillow's room, it had been decided that we should fight our way out, and General Pillow gave me orders to gather up all the papers and books belonging to my department. Whereupon I immediately executed the orders given to me, and then returned to General Pillow's room, when a change of operations had been decided upon, on account of information received from scouts ordered out by General Pillow to ascertain whether the enemy reoccupied the ground they were driven from the day previous. The scouts returned and reported that the enemy had swung entirely around and were in possession of the very same ground. General Pillow being still in doubt, sent a second party of scouts, who made a thorough reconnaissance, and reported that the woods were perfectly alive with troops, and that their camp-fires were burning in every direction. General Pillow then sent a party of cavalry to inspect a slough that was filled with backwater from the river, to see if infantry could pass. They returned after having made a thorough examination on horse-back and on foot, and reported that infantry could not pass, but they thought cavalry could. Communication being thus cut off, General Pillow urged the propriety of making a desperate attempt to cut our way out, whatever might be the consequences, or make a fight in the work and hold our position one more day, by which time we could get steamboats sufficient to put the whole command over the river, and make our escape by the way of Clarksville. General Buckner then said: "That in consequence of the worn-out condition and demoralization of the troops under his command, and the occupation

of his rifle-pits on the extreme right by the enemy, that he could not hold his position a half-hour after being attacked, which he thought would begin about daylight. General Pillow then said: That by the enemy's occupation of the rifle-pits on General Buckner's right, that it was an open gateway to our river-battery, and that he thought we ought to cut our way through, carrying with us as many as possible, leaving the killed and wounded on the field. General Buckner then said that it would cost three fourths of the command to get the other fourth out, and that he did not think any general had the right to make such a sacrifice of human life. General Floyd agreed with General Buckner on this point. General Pillow then rose up and said, "Gentlemen, as you refuse to make an attempt to cut our way out, and General Buckner says he will not be able to hold his position a half-hour after being attacked, there is only one alternative left; that is, capitulation," and then and there remarked that he would not surrender the command or himself, that he would die first. General Floyd then spoke out and said, that he would not surrender the command or himself. General Buckner remarked that, if placed in command, he would surrender the command and share its fate. General Floyd then said: "General Buckner, if I place you in command, will you allow me to get out as much of my brigade as I can?" General Buckner replied: "I will, provided you do so before the enemy receives my proposition for capitulation." General Floyd then turned to General Pillow, and said: "I turn the command over, sir." General Pillow replied promptly: "I pass it." General Buckner said: "I assume it; give me pen, ink, and paper, and send for a bugler." General Pillow then started out of the room to make arrangements for his escape, when Colonel Forrest said to him: "General Pillow, what shall I do?" General Pillow replied: "Cut your way out, sir." Forrest said, "I will do it," and left the room.

GUS. A. HENRY, JR.,
Assistant Adjutant-General.

To Brigadier-General PILLOW.

THE STATE OF ALABAMA, MORGAN COUNTY.

This day personally came before me, Levi Sugans, Intendant of the town of Decatur, County and State aforesaid, Major Gus. A. Henry, Jr., who makes oath in due form of law, that the above statements are true. Sworn to and subscribed before me on the fourteenth day of March, 1862.

GUS. A. HENRY, JR.,
Assistant Adj.-Gen.
LEVI SUGANS,
Intendant.

MAJOR HAYNES'S STATEMENT.

OFFICE DIVISION COMMISSARY,
DECATUR, ALA., March 18, 1862. }

I was present at the council of officers, held at Brigadier-General Gideon J. Pillow's headquarters, in the town of Dover, Tennessee, on the morning of the sixteenth February, 1862. Was awake in my quarters at one o'clock A.M.,

by Colonel John C. Burch, Aid-de-Camp, and ordered to report to General Pillow forthwith. I instantly proceeded to headquarters, where I saw Brigadier-Generals Floyd, Pillow, and Buckner, Colonel Forrest, Major Henry, Assistant Adjutant-Generals Gilmer and Jones, and Lieutenants Nicholson and Martin, the two latter volunteer aids to General Pillow. On my entrance in the room, was accosted by General Pillow, and being taken to one side, was informed by him that they had determined to cut their way through the enemy's lines, and retreat from Dover to Nashville, and he desired me to destroy all the commissary stores, and then make my escape across the river. I desired to know at what hour General Pillow wished his order to be executed, when, looking at his watch, he replied at half-past five o'clock. I then retired from the room to inform my assistants of the order, but in one hour, returned to headquarters.

On reëntering the room, heard General Buckner say, "I cannot hold my position half an hour after the attack," and General Pillow, who was sitting next to General Buckner, and immediately fronting the fire-place, promptly asked, "Why can't you?" at the same time adding: "I think you can hold your position; I think you can, sir." General Buckner retorted: "I know my position; I can only bring to bear against the enemy about four thousand men, while he can oppose me with any given number." General Pillow then said: "Well, gentlemen, what do you intend to do? I am in favor of fighting out." General Floyd then spoke, and asked General Buckner what he had to say, and General Buckner answered quickly, that the attempt to cut a way through the enemy's lines and retreat would cost a sacrifice of three fourths of the command, and no commander had a right to make such a sacrifice. General Floyd concurring, remarked, "We will have to capitulate; but, gentlemen, I cannot surrender; you know my position with the Federals; it wouldn't do, it wouldn't do;" whereupon General Pillow, addressing General Floyd, said: "I will not surrender myself nor the command; *will die first.*" "Then, I suppose, gentlemen," said General Buckner: "the surrender will devolve upon me?" General Floyd replied, speaking to General Buckner: "General, if you are put in command, will you allow me to take out by the river my brigade?" "Yes, sir," responded General Buckner, "if you move your command before the enemy act upon my communication offering to capitulate." "Then, sir," said General Floyd, "I surrender the command;" and General Pillow, who was next in command, very quickly exclaimed, "I will not accept it; I will never surrender;" and while speaking, turned to General Buckner, who remarked, "I will accept and share the fate of my command," and called for pen, ink, paper, and bugler.

After the capitulation was determined upon, General Pillow wished to know if it would be proper for him to make his escape, when General Floyd replied that the question was one for every

man to decide for himself, but he would be glad for every one to escape that could. "Then, sir, I shall leave here," replied General Pillow. Colonel Forrest, who was in the room, and heard what passed, then spoke, "I think there is more fight in these men than you all suppose, and if you will let me, I will take my command;" General Pillow responding to him: "Yes, sir, take out your command; cut your way out." Generals Floyd and Buckner assented; General Floyd, by saying, "Yes, take out your command," and General Buckner, by expressing, "I have no objection." The means of getting away was then discussed, and soon thereafter we began to disperse.

While the gentlemen were leaving the room, I approached General Buckner, and wished to know if General Pillow's order, to destroy the commissary stores, should be carried out, and he answered: "Major Haynes, I countermand the order." It may be proper for me to say that I never met General Pillow before the morning of the ninth February, 1862, having been upon Brigadier-General Charles Clark's staff since my entrance into the service, and only went to Donelson with General Pillow to take temporary charge of the commissariat. General Pillow assigned me to duty on his staff after arriving at Donelson, on the tenth February, 1862.

W. H. HAYNES,
Major and Brigade Commissary.

STATE OF ALABAMA, MORGAN COUNTY. SS.

Personally appeared before me, Levi Sugans, Intendant of the town of Decatur, and *ex officio* Justice of the Peace, Major W. H. Haynes, who makes oath that the statements herein made, relating to what was said in the council of officers, on the morning of the sixteenth February, 1862, are true.

Sworn to and subscribed before me this fourteenth March, 1862.

W. H. HAYNES,
Major and Brigade Commissary.
LEVI SUGANS,
Intendant.

HUNTER NICHOLSON'S STATEMENT.

I was present at the council of war, held at Brigadier-General Pillow's headquarters in Dover, on Saturday night, February fifteenth, 1862. I came into the room about two o'clock. There were present, Generals Floyd, Pillow, and Buckner, Major Gilmer, Colonel Forrest, and several staff-officers, among whom I distinctly remember Major Henry and Colonel Burch, of General Pillow's staff.

The Generals were discussing the necessity and practicability of marching the forces out of the intrenchments and evacuating the place. Major Rice, a resident of Dover, and an Aid-de-Camp of General Pillow, was describing the nature of the country and character of the roads over which the army would have to pass: He referred to some citizen, I think a doctor, but do not remember his name, whom he represented as more familiar with the roads. In a little while, or perhaps

during the conversation of Major Rice, the gentleman referred to was announced. He gave a description of the roads, which, from my ignorance of the locality, I am unable to repeat. The substance was, however, that though exceedingly difficult, it was possible to pass the road with light baggage trains. General Pillow asked most of the questions propounded to this gentleman, as also of those to Major Rice. At this point I was called into an adjoining room, where I remained but a few minutes. When I returned, Major Jones, Brigade Quartermaster, was just entering the room. General Pillow at once approached him, and taking him a little one side, explained to him that it had been determined to evacuate the place, and that he must prepare to burn the quartermaster's stores in his hands. Major Jones inquired at what time. General Pillow replied about daybreak, about half-past five o'clock. Major Jones left very soon, and I did not see him in the room afterward, that I recollect. In a few minutes Major Haynes, Brigade Commissary, entered the room, and received similar instructions as to the commissary stores under his charge. About this time a scout was ushered in, who announced that the enemy had reoccupied the lines from which they had been driven during the fight on Saturday. General Pillow doubted if the scout was not mistaken; so another was sent out. About half an hour had elapsed when Major Haynes returned and remained near me in the room during the remainder of the discussion. Just as he entered, General Buckner remarked: "I am confident that the enemy will attack my lines by daylight, and I cannot hold them for half an hour." General Pillow replied quickly: "Why so, why so, General?" General Buckner replied: "Because I can bring into action not over four thousand men, and they demoralized by long and uninterrupted exposure and fighting, while he can bring any number of fresh troops to the attack." General Pillow replied: "I differ with you; I think you can hold your lines; I think you can, sir." General Buckner replied: "I know my position, and I know that the lines cannot be held with my troops in their present condition." General Floyd it was, I think, who then remarked: "Then, gentlemen, a capitulation is all that is left us." To which General Pillow replied: "I do not think so; at any rate we can cut our way out." General Buckner replied: "To cut our way out would cost three fourths of our men, and I do not think any commander has a right to sacrifice three fourths of his command to save one fourth." To which General Floyd replied: "Certainly not."

About this time the second scout sent out returned, and reported the enemy in force occupying the position from which they had been driven. Thereupon two of Colonel Forrest's cavalry were sent to examine the backwater, and report if it could be crossed by the army. These scouts returned in a short time, and reported that cavalry could pass, but infantry could not.

General Buckner then asked: "Well, gentle-

men, what are we to do?" General Pillow replied: "You understand me, gentlemen, I am for holding out, at least to-day, getting boats, and crossing the command over. As for myself, I will never surrender; I will die first." General Floyd replied: "Nor will I. I cannot and will not surrender; but I must confess personal reasons control me." General Buckner replied: "But such considerations should not control a general's actions." General Floyd replied: "Certainly not; nor would I permit it to cause me to sacrifice the command." General Buckner replied: "Then, I suppose, the duty of surrendering the command will devolve on me." General Floyd asked: "How will you proceed?" General Buckner replied: "I will send a flag, asking for General Grant's quarters, that I may send a message to him. I will propose an armistice of six hours to arrange terms." A pause here ensued. Then General Buckner asked: "Am I to consider the command as turned over to me?" General Floyd replied: "Certainly; I turn over the command." General Pillow replied, quickly: "I pass it; I will not surrender." General Buckner then called for pen, ink, paper, and a bugler. General Floyd then said: "Well, gentlemen, will I be permitted to take my little brigade out if I can?" General Buckner replied: "Certainly, if you can get them out before the terms of capitulation are agreed on." Colonel Forrest then asked: "Gentlemen, have I leave to cut my way out with my command?" General Pillow replied, "Yes, sir; cut your way out;" and continuing, "Gentlemen, is there any thing wrong in my leaving?" General Floyd replied: "Every man must judge for himself of that." General Pillow replied: "Then I shall leave this place." Here General Pillow left the room; but returning in a short time and taking a seat between Generals Floyd and Buckner, said: "Gentlemen, in order that we may understand each other, let me state what is my position. I differ with you as to the cost of cutting our way out; but if it was ascertained that it would cost three fourths of the command, I agree that it would be wrong to sacrifice them for the remaining fourth." Generals Floyd and Buckner replied: "We understand you, General, and you understand us."

After this I left the room, and soon after, the place.

HUNTER NICHOLSON.

Sworn to and subscribed before me, on this eighteenth day of March, 1862.

LEVI SUGANS,

Intendant of the town of Decatur, Alabama, and ex-officio J. P.

RESPONSE OF BRIGADIER-GENERAL GIDEON J. PILLOW TO THE ORDER OF THE SECRETARY OF WAR OF MARCH 11, 1862.

To Captain H. P. Brewster, A. A. G.:

SIR: In my supplemental report, which was forwarded through General A. S. Johnston, I have, as I conceived, substantially answered the points as indicated in the order of the Secretary of War, as unsatisfactory to the President. But to be more specific, and to reply directly to these points, I beg to say, that:

1. General Floyd reached Fort Donelson early

in the morning on the thirteenth of February, and being my senior officer, assumed the command. Up to that time we had no need of additional forces, for at that time the enemy had only about twenty thousand troops, and we had a force fully sufficient to defend the place against that force, and I did not nor could not know with what force they meant to invest us. We were attacked by that force, on the thirteenth, around our whole line, and after three or four hours of vigorous assault, we repulsed his forces everywhere.

After General Floyd's arrival, being second in command, I could not, without a violation of military duty, apply for reinforcements. But I do not seek to shelter myself from responsibility by this consideration. Though the enemy's force greatly exceeded ours, we felt we could hold our position against him, until his large force of fresh troops arrived on the evenings of the thirteenth, fourteenth, and fifteenth. These arrivals, of about thirty thousand troops, made it manifest that we could not hold the position long against such overwhelming numbers, particularly as they were then enabled to completely invest us, and cut off our communication with the river.

It was then impossible to get reinforcements from Bowling Green or elsewhere in time to relieve us. It required three days by railroad and river for the forces which did come to us to get there, owing to the shortness of transportation.

I apprised General Johnston of the arrival of the enemy's large reinforcements, giving him every arrival. But I had just come from Bowling Green, and was of opinion that the force reserved for that position was inadequate for its defence against a large assaulting force, and I knew General Johnston could not give me any reinforcements unless he abandoned the place, a measure which I did not consider it my province to suggest. Knowing this, I felt it my duty to make the best possible defence with the forces we had. We had one additional regiment or battalion there, which General Floyd sent to Cumberland City to protect public stores that had been forwarded to that city. These are the reasons why no application was made for reinforcements.

2. In response to the second point made by the Secretary's order, I have to say that arrangements were all made, orders given the whole command to evacuate the work, and troops were under arms to march out, when information was received that we were reinvested. Up to this time the general officers were all agreed upon the line of action necessary and proper under the circumstances. (See supplemental report.) It was as to the necessity of a change of policy in the new state of the case that the difference of opinion arose among the general officers. I was for cutting our way out. Generals Floyd and Buckner thought that surrender was a necessity of the position of the army.

In response to the point made by the Secretary's order, that it was not satisfactorily explained how a part of the command was withdrawn and the balance surrendered, I have to say:

On the night and evening of the fifteenth of

February, after the battle, in expectation of evacuating the place that night, General Floyd had sent off every steamboat that we had with the prisoners, our sick, and wounded. As matters turned out it was most unfortunate, but I do not perceive how the act could be censured, for it was a measure preparatory to evacuation, and no one could have foreseen the course of events which late that night defeated that measure.

The act, however, was that of my senior officer, and I was not even consulted about its propriety.

When we ascertained, between three and four o'clock that night, that we were reinvested, and the question of our position became one of vital interest to the commanding officers, we had not a single boat, neither skiff, yawl, nor even float, or other ferry-boats. There was no means of crossing the river. The river was full, and the weather intensely cold. About day-break the steamer General Anderson, and one other little boat, came down; one of the boats had on board about four hundred raw troops: I had then crossed the river in a small hand-flat, about four feet wide by twelve long, which Mr. Rice, a citizen of Dover, (acting as my volunteer aid-de-camp,) had, by some means, brought over from the opposite side of the river.

Upon the arrival of these steamers, General Floyd, acting, I presume, under agreement between him and General Buckner, before the command was turned over, crossed over to the opposite shore as many of his troops as he could, until he was directed by General Buckner's staff-officer to leave, as the gunboats of the enemy were approaching. This information was given me by General Floyd at Clarksville. My horses were brought across the river on one of the boats that brought over the troops. Myself and staff then made our way to Clarksville by land. These facts explain how a portion of the command were withdrawn when the balance could not be. I, however, had no kind of agency in it.

8. In response to the third point upon which information is called for by the Secretary's order, namely: Upon what principle the senior officers avoided responsibility by transferring the command, I have only to say that I urged from first to last the duty of cutting through the enemy's lines with the entire command; I was not sustained, but was alone in my position; and with General Buckner's avowal that his troops could not make another fight, and without the assistance of either general in command, and in an enterprise of great difficulty and peril, I could scarcely hope to cut through the enemy's lines unaided. Yet it was against my conviction of duty to surrender.

Under the circumstances in which I was placed, I saw no means of defeating the surrender, and therefore considering myself only technically the recipient of the command; when turned over by General Floyd, I promptly passed, and declined to accept it. It was in this sense that I said in my original report that when the command was turned over to me I passed it. In point of fact,

however, the command was turned over by General Floyd to General Buckner.

In proof of which I embody in this report a despatch from General Floyd to General A. S. Johnston, on the morning of the sixteenth February; I also embody an order of General Buckner's, after he had assumed command, to Brigadier-General B. R. Johnson.

CUMBERLAND CITY, February 16, 1862.

To General Johnston:

This morning at two o'clock, not feeling willing myself to surrender, I turned over the command to General Buckner, who determined to surrender the Fort and the army, as any further resistance would only result in the unavailing spilling of blood. I succeeded in saving half of my command by availing myself of two little boats at the wharf—all that could be commanded. The balance of the entire reserve of the army fell into the hands of the enemy. The enemy's force was largely augmented yesterday by the arrival of thirteen transports, and his force could not have been less than fifty thousand. I have attempted to do my duty in this trying and difficult position, and only regret that my exertions have not been more successful.

J. B. FLOYD.

ORDER TO BRIGADIER-GENERAL B. R. JOHNSON.

HEADQUARTERS, DOVER, February 16, 1862.

SIR: The command of the forces in this vicinity has devolved upon me by order of General Floyd. I have sent a flag to General Grant, and during the correspondence, and until further orders, shall refrain from any hostile demonstrations, with a view of preventing a like movement on the enemy's part. You will endeavor to send a flag to the enemy's posts in front of your position, notifying them of the fact that I have sent a communication to General Grant from the right of our position, and desire to know his headquarters.

Respectfully, your obedient servant,

S. B. BUCKNER,

Brigadier-General C. S. A.

These orders show that all parties knew the command was turned over, not to myself, but to General Buckner. The reason for this was obvious; both Generals Buckner and Floyd were of opinion that a surrender of the command was a necessity of its position. They had both heard me say that I would die before I would surrender the command.

General Buckner had said, if placed in command, he would make the surrender, and he had agreed with General Floyd, that he might withdraw his brigade. This understanding and agreement, and my position, excluded me from actual command.

Having gone into the council of general officers and taken part in its deliberations, I felt bound by its decision, although against my conviction of duty. I therefore determined not to assume nor accept the command. I still think that in acquiescing in this decision, as a necessity of my

position, I acted correctly, although my judgment was wholly against the measure to surrender. I had no agency whatever in withdrawing any portion of the command, except to direct Colonel Forrest to cut his way out with his cavalry, all of which I organized into a brigade under him.

5. In response to the fifth and sixth inquiries of the Secretary's orders, I reply, I do not know what regiments of General Floyd's brigade were surrendered, nor which were withdrawn, nor do I know upon what principle the selection was made.

For further information, reference is made to my original and supplemental reports.

Before closing the response to the Honorable Secretary's order, I deem it not improper to say, that the only doubt I felt, in any opinion I expressed, position assumed, or act I did, was, as to the propriety of retiring from the garrison, when I could not control the fate of the command, whose surrender was not my act, or with my approval. Upon this point, I consulted Generals Floyd and Buckner.

For these reasons, and knowing that the general officers would not be permitted to accompany the men into captivity, I finally determined to retire, hoping I might be able to render some service to the country.

Very respectfully,

GID. J. PILLOW,
Brigadier-General, C. S. A.

ORIGINAL REPORT OF GENERAL S. B. BUCKNER.

HEADQUARTERS CUMBERLAND ARMY,
DOVER, TENNESSEE, February 18, 1862. }

SIR: It becomes my duty to report that the remains of this army, after winning some brilliant successes, both in repulsing the assaults of the enemy, and in sallying successfully through their lines, has been reduced to the necessity of a surrender.

At the earliest practicable day, I will send a detailed report of its operations. I can only say now, that after the battle of the fifteenth inst. had been won, and my division of the army was being established in position to cover the retreat of the army, the plan of battle seemed to have been changed, and the troops were ordered back to their works on the extreme right, the lines were assailed at that point, and my extreme right was occupied by a large force of the enemy. But I successfully repelled their further assaults.

It was the purpose of General Floyd to effect the retreat of the army over the ground which had been won in the morning, and the troops moved from their works with that view; but before any movement for that purpose was organized, a reconnoissance showed that the ground was occupied by the enemy in great strength. General Floyd then determined to retreat across the river, with such force as could escape; but as there were no boats until nearly daylight on the sixteenth, he left with some regiments of Virginia troops about daylight, and was accompanied by Brigadier-General Pillow.

I was thus left in command of the remnant of the army, which had been placed in movement for a retreat, which was discovered to be impracticable. My men were in a state of complete exhaustion, from extreme suffering, from cold and fatigue; the supply of ammunition, especially for the artillery, was being rapidly exhausted, the army was to a great extent demoralized by the retrograde movement. On being placed in command, I ordered such troops as could not cross the river to return to their intrenchments, to make at the last moment such resistance as was possible to the overwhelming force of the enemy. But a small portion of the forces had returned to the lines, when I received from General Grant a reply to my proposal to negotiate for terms of surrender. To have refused his terms would, in the condition of the army at that time, have led to the massacre of my troops without any advantage resulting from the sacrifice. I therefore felt it my highest duty to these brave men, whose conduct had been so brilliant, and whose sufferings had been so intense, to accept the ungenerous terms proposed by the Federal commander, who overcame us solely by overwhelming superiority of numbers. This army is, accordingly, prisoners of war; the officers retaining their side-arms and private property, and the soldiers their clothing and blankets. I regret to state, however, that, notwithstanding the earnest efforts of General Grant and many of his officers to prevent it, our camps have been a scene of almost indiscriminate pillage by the Federal troops.

In conclusion, I request, at the earliest time practicable, a court of inquiry, to examine into the causes of the surrender of this army.

I am, sir, very respectfully,

Your obedient servant,

S. B. BUCKNER,
Brigadier-General, C. S. A.

To Colonel W. W. MACKALL,
A. A. General, Nashville, Tennessee.

GENERAL BUCKNER'S OFFICIAL REPORT.

RICHMOND, VA., August 11, 1862.

SIR: I have the honor to make the following report of the operations of that portion of the Second division of the central army of Kentucky, which was detached from Bowling Green and Russellville, Ky., to aid in the defence of Fort Donelson and the village of Dover on the Cumberland River, Tennessee.

By the courtesy of Brigadier-General Grant, United States army, I was permitted to transmit to Clarksville, Tennessee, a brief report of the surrender of Fort Donelson, but as I now learn it never reached the headquarters of General A. S. Johnston, I transmit herewith a copy.

I have been prevented from making an earlier report by the refusal of the Federal authorities, during my imprisonment, either to permit me to make a report or to receive the report of subordinate commanders. Such, indeed, was the discourtesy of the Federal War Department, that,

though kept in solitary confinement, during my imprisonment, and prevented from holding communications with any of my fellow-prisoners, a request on my part to be informed of the cause of a proceeding so unusual amongst nations pretending to follow the rules of civilized warfare, failed to elicit a response. On the eleventh February, ultimo, Brigadier-General Floyd had resolved to concentrate his division and my own at Cumberland City, with a view of operating from some point of the railway west of that position, in the direction of Fort Donelson or Fort Henry, thus maintaining his communications with Nashville, by the way of Charlotte. I reached Fort Donelson on the night of February eleventh, with orders from General Floyd to direct General Pillow to send back at once to Cumberland City the troops which had been designated.

Before leaving Clarksville I had, by authority of General Floyd, ordered Scott's regiment of Louisiana cavalry to operate on the north side of the Cumberland River, in the direction of Fort Donelson, with a view to prevent the establishment of any of the enemy's field batteries which might interfere with our transports. General Pillow declined to execute the order of which I was the bearer, until he should have a personal interview with General Floyd. Accordingly, on the morning of the twelfth, he left me temporarily in command, and proceeded himself in a steamer to Cumberland City. Before leaving, he informed me that he had directed a reconnoissance to be made by Colonel Forrest's cavalry, with instructions in no event to bring on an engagement, should the enemy approach in force.

General Pillow left me under the impression that he did not expect an immediate advance of the enemy, and regarded their approach from the direction of Fort Henry as impracticable. During the morning, Forrest reported the enemy advancing in force with the view of enveloping our line of defence; and for a time he was engaged with his usual gallantry in heavy skirmishing with them, at one time driving one of their battalions back upon their artillery.

About noon General Pillow returned and resumed command; it having been determined to reinforce the garrison with the remaining troops from Cumberland City and Clarksville.

The defences were in a very imperfect condition. The space to be defended by the army was quadrangular in shape, being limited on the north by the Cumberland River, on the east and west by small streams, now converted into deep sloughs by the high water, and on the south by our line of defence. The river-line exceeded a mile in length; the line of defence was about two miles and a half long, and its distance from the river varied from one fourth to three fourths of a mile. The line of intrenchments consisted of a few logs rolled together and but slightly covered with earth, forming an insufficient protection even against field artillery. No more than one third of the line was completed on the morning of the twelfth. It had been located under the direction of that able engineer-officer, Major Gilmer, near

the crests of a series of ridges which sloped backward to the river, and were again commanded in several places by other ridges at a still greater distance from the river. This chain of heights was intersected by deep valleys and ravines, which materially interfered with communications between different parts of the line. Between the village of Dover and the water-batteries, a broad and deep valley extending directly back from the river, and flooded by the high water, intersected the quadrangular area occupied by the army, and almost completely isolated the right wing. That part of the line which covered the land approach to the water-batteries, and constituted our right wing, was assigned to me with a portion of my division, consisting of the Third or Colonel John C. Brown's brigade, which was composed of the Third Tennessee volunteers, which was Colonel Brown's regiment, Eighteenth Tennessee regiment, Colonel Palmer, Thirty-second Tennessee regiment, Colonel Cook; half of Colonel Baldwin's Second brigade, temporarily attached to Colonel Brown's Second regiment Kentucky volunteers, Colonel R. W. Hanson; Fourteenth Mississippi volunteers, Major Doss; Forty-first Tennessee volunteers, Colonel Farquharson; Porter's battery of six field-pieces; Graves's battery of six field-pieces.

The remaining regiments of Baldwin's brigade, the Twenty-sixth Tennessee volunteers, Colonel Lillard, and the Twenty-sixth Mississippi volunteers, Colonel Reynolds, together with the brigade-commander, were detached from my command by Brigadier-General Pillow and assigned a position on the left of the line of intrenchments.

The work on my lines was prosecuted with energy, and was urged forward as rapidly as the limited number of tools would permit; so that by the morning of the thirteenth my position was in a respectable state of defence.

My disposition of the troops was as follows:

Hanson's regiment on the extreme right; Palmer's regiment, with its reserve, in position to reinforce Hanson; Porter's battery occupying the reserve, in position to reinforce Hanson; Porter's battery occupying the advanced salient, sweeping the road which led to the front, and flanking the intrenchments both to the right and to the left. The reserve of the Fourteenth Mississippi was held as its support. Brown's, Cook's, and Farquharson's regiments were on the left. Graves's battery occupied a position near the extreme left of the intrenchments on the declivity of the hill, whence it swept the valley with its fire and flanked the position of Colonel Heiman to the east of the valley.

From three to five companies of each regiment were deployed as skirmishers in the rifle-pits. The other companies of each regiment were massed in columns, sheltered from the enemy's fire behind the irregularities of the ground, and held in convenient positions to reinforce any portion of the line that might be seriously threatened.

No serious demonstration was made on our lines on the twelfth.

Early on the morning of the thirteenth, a column of the enemy's infantry, which was apparently forming to move down the valley between my left and Heiman's right, was driven back by a few well-directed shots from Graves's battery.

About ten o'clock in the morning the enemy made a vigorous attack upon Hanson's position, but was repulsed with heavy loss. The attack was subsequently renewed by three heavy regiments, but was again repulsed by the Second Kentucky regiment, aided by a part of the Eighteenth Tennessee. In both these affairs, and also in a third repulse of the enemy from the same position, Porter's battery played a conspicuous part.

About eleven o'clock a strong attack was made on Colonel Heiman's position beyond my left. A well-directed fire from Graves's battery upon the flank of the assaulting column materially contributed to repulse the enemy with heavy loss.

The fire of the enemy's artillery and rifleman was incessant throughout the day; but was responded to by a well-directed fire from the intrenchments, which inflicted upon the assailant considerable loss, and almost silenced his fire late in the afternoon. On the preceding night General Floyd had arrived and assumed command of all the troops, and during the morning visited and inspected my lines. My loss during the day was thirty-nine (39) in killed and wounded.

The enemy were comparatively quiet in front of my position during the fourteenth. On the morning of that day I was summoned to a council of general officers, in which it was decided unanimously, in view of the arrival of heavy reinforcements of the enemy below, to make an immediate attack upon their right, in order to open our communications with Charlotte, in the direction of Nashville. It was urged that this attack should be made at once, before the disembarkation of the enemy's reinforcements—supposed to be about fifteen thousand men. I proposed with my division to cover the retreat of the army, should the sortie prove successful. I made the necessary dispositions preparatory to executing the movement, but early in the afternoon the order was countermanded by General Floyd, at the instance, as I afterward learned, of General Pillow, who, after drawing out his troops for the attack, thought it too late for the attempt.

On the night of the fourteenth it was unanimously decided, in a council of general officers and regimental commanders, to attack the enemy's right at daylight. The object of the attack was to force our way through his lines, recover our communications, and effect our retreat upon Nashville by way of Charlotte, Tenn. This movement had become imperatively necessary in consequence of the vastly superior and constantly increasing force of the enemy, who had already completely enveloped our position. The general plan was for General Pillow to attack his extreme right, and for that portion of my division remaining under my command after being relieved in the rifle-pits by Colonel Head's regiment, to make an attack upon the right of the enemy's centre, and,

if successful, to take up a position in advance of our works on the Wynn's ferry road, to cover the retreat of the whole army; after which my division was to act as the rear-guard.

On Saturday morning, the fifteenth, a considerable portion of my division was delayed by the non-arrival of Head's regiment at the appointed time, and by the slippery condition of the icy road which forbade a rapid march. My advance regiment, however, the Third Tennessee, reached a position by daylight in rear of a portion of the intrenchments which had been occupied by General Pillow's troops. As no guards had been left in this portion of the line, and even a battery was left in position without a cannoneer, I deployed the Third Tennessee in the rifle-pits to cover the formation of my division as it arrived. The regiments were formed, partly in line and partly in column, and covered from the enemy's artillery fire by a slight acclivity in front. In the mean time the attack on the enemy's right was made in the most gallant and determined manner by the division of General Pillow. For the progress of that action, I refer to the reports of Colonel Baldwin, Colonel Gregg, and their subordinate commanders, which have been transmitted to me, as the senior officer left with the army.

In front of my position the enemy had a heavy battery posted on the Wynn's ferry road, with another battery opposite my left—both sustained by a heavy infantry force.

Major Davidson, acting chief of my artillery, established Graves's battery to the left of the Wynn's ferry road, and opened upon the enemy's batteries a destructive fire. I also directed a portion of the artillery to open upon the flank and left rear of the enemy's infantry, who were contesting the advance of General Pillow's division. In view of the heavy duty which I expected my division to undergo in covering the retreat of the army, I thought it inadvisable to attempt an assault at this time in my front until the enemy's batteries were, to some extent crippled, and their supports shaken by the fire of my artillery. About nine o'clock, General Pillow urged an advance, to relieve his forces. I accordingly sent forward the Fourteenth Mississippi, Major Doss, deployed as skirmishers. At the request of its commander, I assigned the direction of its movements to Major Alexander Cassidy, of my staff. The line of skirmishers was sustained by the Third and Eighteenth Tennessee. Their line of march unfortunately masked the fire of my artillery upon the Wynn's ferry road, but it continued to play with effect upon the force which was opposing General Pillow's advance. The combined attack compelled the enemy to retire, not, however, without inflicting upon my troops considerable loss. Under a misapprehension of instructions, at a time when my artillery was directed over the heads of the advanced troops upon the enemy's battery, these regiments withdrew without panic, but in some confusion, to the trenches, after the enemy's infantry had been driven a considerable distance from their position.

As the enemy's line of retreat was along the

Wynn's ferry road, I now organized an attack further to my right, up a deep valley which led from Heiman's left, in rear of the position occupied by the enemy's batteries.

In order to cover the advance of the infantry column, I directed Captain Porter, with his artillery, to serve Green's battery, which was already in position, and at the same time sent a request to Colonel Heiman to direct Maney's battery to open its fire, while he should deploy a line of skirmishers in advance of his position to cover the right of the valley. General Pillow was at this time, as I afterward learned, on the heights to my right, occupied by Heiman. Maney's, Porter's, and Graves's batteries now opened a cross-fire upon the enemy's battery and position, soon crippling some of his guns and driving their supports, while the Third, Eighteenth, and Thirty-second Tennessee regiments, under their brigade commander, Colonel John C. Brown, moved steadily up the valley, preceded by their skirmishers, who soon became engaged with those of the enemy. This movement, combined with the brisk fire of three batteries, induced a rapid retreat of the enemy, who abandoned a section of his artillery. At the same time my infantry were thus penetrating the enemy's line of retreat, Forrest, with a portion of his cavalry, charged upon their right, while General Pillow's division, under the orders of General B. R. Johnson and Colonel Baldwin were pressing their extreme right about half a mile to the left of this position.

In this latter movement, a section of Graves's battery participated, playing with destructive effect upon the enemy's left, while about the same time, the Second Kentucky, under Colonel Hanson, charged in quick time, as if upon parade, through an open field and under a destructive fire, without firing a gun, upon a superior force of the enemy, who broke and fled in all directions. A large portion of the enemy's right dispersed through the woods and made their way, as was afterward learned, to Fort Henry.

While this movement was going on, I conducted one piece of artillery, under Captain Graves, along the Wynn's ferry road, supported by the Fourteenth Mississippi, and sent orders to the residue of Graves's battery, and Porter's and Jackson's batteries, and Farquharson's Tennessee regiment to follow the movement with rapidity. I also sent to direct Hanson's regiment to rejoin me. The enemy, in his retreat had now taken up a strong position on the road beyond the point where it crosses the valley. I directed the position to be attacked by the Third, Eighteenth, and Thirty-second Tennessee regiments, the first on the left, the others on the right of the road, while Graves's piece took position in the road, within two hundred and fifty or three hundred yards of the enemy's guns. These regiments, under the immediate command of Colonel Brown, advanced gallantly to the attack, while Graves's piece responded with effect to the enemy's artillery. Notwithstanding their vast superiority in numbers, the enemy were driven, with very heavy loss, from their position, and retreated to the right of

the Wynn's ferry road, leaving it entirely open. In this position I awaited the arrival of my artillery and reserves, either to continue the pursuit of the enemy, or to defend the position I now held, in order that the army might pass out on the forge road, which was now completely covered by the position occupied by my division. But General Pillow had prevented my artillery from leaving the intrenchments, and had ordered Farquharson not to join me, and also sent me reiterated orders to return to my intrenchments on the extreme right. I was in the act of returning to the lines when I met General Floyd, who seemed surprised at the order. At his request to know my opinion of the movement, I replied that nothing had occurred to change my views of the necessity of the evacuation of the post, that the road was open, that the first part of our purpose was fully accomplished, and I thought we should at once avail ourselves of the existing opportunity to regain our communications. These seemed to be his own views, for he directed me to halt my troops and remain in position until he should have conversed with General Pillow, who was now within the intrenchments.

After that consultation he sent me an order to retire within the lines, and to repair as rapidly as possible to my former position on the extreme right, which was in danger of attack. The enemy made no attempt at pursuit. I secured the section of artillery which had been captured, and covered my retrograde movement by Hanson's and Farquharson's regiments. My troops were already much exhausted, but returned as rapidly as possible, a distance of two miles, to their positions. But a small portion of my division had reached their positions, when a division of the enemy, under command of General C. F. Smith, assaulted the extreme right of my position, falling upon Hanson's regiment before it had reached its rifle-pits. This gallant regiment was necessarily thrown back in confusion upon the position of the Eighteenth Tennessee. At this period I reached that position, and, aided by a number of officers, I succeeded in hastily forming a line behind the crest of a hill which overlooked the detached works which had been seized by the enemy before Hanson had been able to throw his regiment into them. The enemy advanced gallantly upon this new position, but was repulsed with heavy loss. I reinforced this position by other regiments as they successively arrived, and by a section of Graves's battery, while a section of Porter's battery was placed in its former position. During a contest of more than two hours the enemy threatened my left with a heavy column, and made repeated attempts to storm my line on the right, but the well-directed fire of Porter's and Graves's artillery, and the musketry fire of the infantry, repelled the attempts, and finally drove him to seek shelter behind the works he had taken, and amid the irregularities of the ground. There was probably no period of the action when his force was not from three to five times the strength of mine. Toward the close of the action I was reinforced by the regiments of Colonels

Quarles and Sugg and Bailey. Generals Floyd and Pillow also visited the position about the close of the action.

In a council of general and field-officers, held after night, it was unanimously resolved, that if the enemy had not reoccupied, in strength, the position in front of General Pillow, the army should effect its retreat; and orders to assemble the regiments for that purpose were given by General Floyd. But as the enemy had, late in the afternoon, appeared in considerable force on the battle-field of the morning, a reconnoissance was ordered, I think by General Pillow, under the instructions of General Floyd. The report of this reconnoissance, made by Colonel Forrest, has been fully stated by Generals Floyd and Pillow; and from what I have been able to learn since, I am satisfied the information reported was correct. Among other incidents, showing that the enemy had not only reoccupied their former ground, but extended their lines still farther to our left, is the fact that Overton's cavalry, following after Forrest's, was cut off from retreat by an infantry force of the enemy at the point where Forrest had crossed the stream on the river road. When the information of our reinvestment was reported, General Floyd, General Pillow, and myself, were the only members of the council present. Both of these officers have stated the views of the council, but my recollection of some of the incidents narrated differs so materially from that of General Pillow, that, without intending any reflection upon either of those officers, I feel called upon to notice some of the differences of opinion between us. Both officers have correctly stated that I regarded the position of the army as desperate, and that an attempt to extricate it by another battle, in the suffering and exhausted condition of the troops, was almost hopeless.

The troops had been worn down with watching, with labor, with fighting. Many of them were frosted by the intensity of the cold; all of them were suffering and exhausted by their incessant labors. There had been no regular issue of rations for a number of days, and scarcely any means of cooking.

Their ammunition was nearly expended. We were completely invested by a force fully four times the strength of our own. In their exhausted condition they could not have made a march. An attempt to make a sortie would have been resisted by a superior force of fresh troops; and that attempt would have been the signal for the fall of the water-batteries, and the presence of the enemy's gunboats sweeping with their fire, at close range, the positions of our troops; who would have been thus assailed on their front, rear, and right flank, at the same instant. The result would have been a virtual massacre of the troops, more disheartening in its effects than a surrender.

In this opinion General Floyd coincided; and I am certain that both he and I were convinced that General Pillow agreed with us in opinion. General Pillow then asked our opinion as to the

practicability of holding our position another day. I replied that my right was already turned, a portion of my intrenchments in the enemy's possession; they were in position successfully to assail my position and the water-batteries; and that, with my weakened and exhausted force, I could not successfully resist the assault which would be made at daylight by a vastly superior force. I further remarked that I understood the principal object of the defence of Donelson to be to cover the movement of General A. S. Johnston's army from Bowling Green to Nashville, and that if that movement was not completed, it was my opinion that we should attempt a further defence, even at the risk of the destruction of our entire force, as the delay even of a few hours might gain the safety of General Johnston's force. General Floyd remarked that General Johnston's army had already reached Nashville.

I then expressed the opinion that it would be wrong to subject the army to a virtual massacre, when no good could result from the sacrifice; and that the general officers owed it to their men, when further resistance was unavailing, to obtain the best terms of capitulation possible for them. General Floyd expressed himself in similar terms, and in his opinion I understood General Pillow to acquiesce. For reasons which he has stated, General Floyd then announced his purpose to leave, with such portion of his division as could be transported, in two small steamers, which were expected about daylight. General Pillow, addressing General Floyd, then remarked that he thought there were no two persons in the Confederacy whom the "Yankees" would prefer to capture than himself and General Floyd, and asked the latter's opinion as to the propriety of his accompanying General Floyd. To this inquiry the latter replied that it was a question for every man to decide for himself. General Pillow then addressed the inquiry to me, to which I remarked that I could only reply as General Floyd had done; that it was a question for every officer to decide for himself, and that in my own case I regarded it as my duty to remain with my men and share their fate, whatever it might be.

General Pillow, however, announced his purpose to leave, when General Floyd directed me to consider myself in command. I remarked that a capitulation would be as bitter to me as it could be to any one, but I regarded it as a necessity of our position, and I could not reconcile it with my sense of duty to separate my fortunes from those of my command.

It is due to General Pillow to state that some time after the command had been transferred to me, and while preparations were making for his departure, he returned to the room and said to General Floyd and myself that he wished it understood that he had thought it would have been better to have held the fort another day, in order to await the arrival of steamers to transport the troops across the river. I again recapitulated my reasons for thinking it impossible to hold our position; and whatever may have been General

Pillow's opinion, he certainly impressed me with the belief that he again acquiesced in the necessity of a surrender.

It was now near daylight of Sunday morning, the sixteenth. I ordered the troops back to their positions in the intrenchments, and addressed a note, a copy of which is inclosed, to the Federal commander, Brigadier-General U. S. Grant. His reply is also transmitted. When it was received, but a small portion of the troops had returned to their lines. A portion of my field-guns had been spiked when the troops had been withdrawn under General Floyd's order. The gunners had not yet returned to the water-batteries. A degree of confusion, amounting almost to a state of disorganization, resulting from the knowledge of our position, pervaded a considerable portion of the troops. A corps of not less than fifteen thousand of the enemy, with fifteen pieces of artillery, were in position to assault the extreme right of the line, which was effectually turned, and the water-batteries exposed to assault, without the power of resisting the attack. At the point most strongly threatened I could not have opposed at the time a thousand men. Every road leading from the lines was effectually closed. Even the river-road, by which the cavalry had left, and which was impassable by infantry, was closed by a force of the enemy within fifteen minutes after Forrest had passed, and Overton's cavalry was forced to return to the lines. The troops were broken down by unusual privations. Most of them had labored or fought almost incessantly for a week. From Thursday morning until Saturday night they had been almost constantly under fire. From Thursday evening until Sunday morning they had suffered intensely in a heavy snow-storm, and from intense cold, almost without shelter, with insufficient food, and almost without sleep. They had behaved with a gallantry unsurpassed, until the power of further endurance was exhausted. The supply of ammunition was very small. The aggregate of the army, never greater than twelve thousand, was reduced to less than nine thousand men after the departure of General Floyd's brigade. The investing force of the enemy was about fifty thousand strong, and considerably exceeded that force by the following morning. Under these circumstances, no alternative was left me but to accept the terms offered by our ungenerous enemy. A copy of the order of General Grant, fixing the terms of the surrender, is herewith inclosed.

I do not seek to avoid any responsibility which, in the judgment of the President, may attach to my action, which was guided in every instance by a feeling of duty. My chief wish is that he will find it consistent with the public interest to permit me still to unite my fortunes in the contest for independence with those of the brave men whose gallantry I have witnessed, whose dangers and hardships I have shared, and in common with whom I have endured the privations of imprisonment amongst a vindictive and

tyrannical foe. I cannot close this report without calling special attention to the gallant and able conduct of my brigade commanders, Colonel John C. Brown, of the Third Tennessee, and Colonel William E. Baldwin, of the Fourteenth Mississippi, and of Colonel R. W. Hanson, commanding the Second Kentucky, detached from Breckinridge's Kentucky brigade. For the operations of Colonel Baldwin's troops, I refer to his report, as he was detached from my command during the siege. But he, as well as the other two officers, were conspicuous on every occasion for their gallantry and military judgment, and merit the special approbation of the government.

Amongst the regimental commanders, Colonel J. M. Lillard and Colonel E. C. Cook merit the highest commendation for their gallant bearing, and the excellent manner in which they handled their regiments; and Major W. L. Doss behaved with marked gallantry. Major George B. Cosby, my Chief of Staff, deserves the highest commendation for the gallant and intelligent discharge of his duties; and the other members of my staff are entitled to my thanks for their gallantry, and for the efficient discharge of their appropriate duties: Lieutenant Charles F. Johnson, Aid-de-Camp; Lieutenant T. J. Clay, Acting Aid; Major Alexander Cassidy, Acting Inspector-General; Major S. K. Hays, Quartermaster; Captain R. C. Wintersmith, Commissary of Subsistence; Major Davidson, Chief of Artillery; Mr. J. N. Gallaher, Acting Aid; Mr. Moore, Acting Topographical officer; Mr. J. Walker Taylor, commanding a detachment of guides, and Mr. D. P. Buckner, volunteer Aid. Major Barbour, A. D. C. to Brigadier-General Tilghman, though wounded, remained with me on the thirteenth. I cannot bestow sufficient praise upon Captain Porter, and Captain Rice E. Graves, and their officers and men, for the gallant and efficient handling of their batteries. Artillery was never better served, and artillerists never behaved, under trying circumstances, with greater coolness. Porter's battery, from its more exposed position, lost more than half its gunners; and its intrepid commander was severely wounded late in the afternoon of Saturday, being succeeded in command by the gallant Lieutenant Morton.

Captain Jackson's Virginia battery, though not so frequently engaged, is entitled to notice.

For an understanding of the particular operations of General Pillow's division, I refer you to the reports of his brigade commanders, Colonel William E. Baldwin, Colonel A. Heiman, Colonel John Gregg, and to the reports of their subordinate commanders.

Accompanying this report is a list of the strength of my division, and of its killed and wounded. My aggregate force at the beginning of the contests, which was constantly diminishing, did not exceed three thousand and twenty-five infantry, and two batteries artillery. Two of my regiments, in addition, eight hundred and forty-four men, were constantly under the command of

General Pillow. The length of my lines exceeded three fourths of a mile.

I am, sir, very respectfully,

Your obedient servant,

S. B. BUCKNER,

Brigadier-General C. S. A.,

Lately Commanding Second Division Central Army of Kentucky.

To General S. COOPER,

Adjutant and Inspector-General, C. S. A.,

Richmond, Va.

CORRESPONDENCE REFERRED TO IN THE REPORT.

HEADQUARTERS, FORT DONELSON, }
February 16, 1862. }

SIR: In consideration of all the circumstances governing the present situation of affairs at this station, I propose to the commanding officer of the Federal forces the appointment of commissioners to agree upon terms of capitulation of the forces and post under my command, and in that view suggest an armistice until twelve o'clock to-day.

I am, sir, very respectfully,

Your obedient servant,

S. B. BUCKNER,

Brigadier-General C. S. A.

To Brigadier-General U. S. GRANT,

Commanding U. S. Forces near Fort Donelson.

REPLY OF GENERAL GRANT TO A PROPOSAL FOR AN ARMISTICE.

HEADQUARTERS ARMY IN THE FIELD, }
CAMP NEAR DONELSON, February 16, 1862. }

General S. B. Buckner, Confederate Army:

SIR: Yours of this date, proposing armistice and appointment of commissioners to settle terms of capitulation, is just received.

No terms, except unconditional and immediate surrender, can be accepted. I propose to move immediately upon your works.

I am, sir, very respectfully,

Your obedient servant,

U. S. GRANT,

Brigadier-General.

[Copy.]

REPLY OF GEN. BUCKNER TO GEN. U. S. GRANT.

HEADQUARTERS, }
DOVER, TENN., February 16, 1862. }

To Brigadier-General U. S. Grant, U. S. A.:

SIR: The distribution of the forces under my command, incident to an unexpected change of commanders, and the overwhelming force under your command, compel me, notwithstanding the brilliant success of the confederate arms yesterday, to accept the ungenerous and unchivalrous terms which you propose.

I am, sir, your obedient servant,

S. B. BUCKNER,

Brigadier-General C. S. A.

AGREEMENT OF GENERAL GRANT TO ALLOW OFFICERS TAKEN AT DONELSON TO RETAIN THEIR SIDE-ARMS, ETC., ETC.

HEADQUARTERS ARMY IN THE FIELD, }
FORT DONELSON, February 16, 1862. }

SPECIAL ORDER:

All prisoners taken at the surrender of Fort Donelson will be collected as rapidly as practicable near the village of Dover, under their respect-

ive company and regimental commanders, or in such manner as may be deemed best by Brigadier-General S. B. Buckner, and will receive two days' rations, preparatory to embarking for Cairo.

Prisoners are to be allowed their clothing, blankets, and such private property as may be carried about the person, and commissioned officers will be allowed their side-arms.

By order,

U. S. GRANT,

Brigadier-General.

REPORT OF LIEUT.-COLONEL J. F. GILMER.

ENGINEER'S OFFICE, }
DECATUR, ALA., March 17, 1862. }

Colonel W. W. Mackall, A. A. General, Western Department, Decatur, Ala.:

COLONEL: In obedience to General Johnston's orders of January twenty-ninth, received at Nashville, I proceeded the next day to Fort Donelson and thence to Fort Henry, to inspect the works and direct what was necessary to be done at both.

I arrived at Fort Henry the afternoon of the thirty-first, when I met Brigadier-General Tilghman, commanding the defences on the Tennessee and Cumberland Rivers. By the exertions of the Commanding General, aided by Lieutenant Joseph Dixon, his engineer officer, the main fort (a strong field-work of fine bastion front) had been put in a good condition for defence, and seventeen guns mounted on substantial platforms; twelve of which were so placed as to bear well on the river. These twelve guns were of the following description: One ten-inch columbiad, one rifled gun of twenty-four-pounder calibre, (weight of ball sixty-two pounds,) two forty-two-pounders, and eight thirty-two-pounders, all arranged to fire through embrasures formed by raising the parapet between the guns with sand-bags, carefully laid.

In addition to placing the main work in good defensive order, I found that extensive lines of infantry cover had been thrown up by the troops forming the garrison, with a view to hold commanding ground that would be dangerous to the Fort if possessed by the enemy.

These lines and the main work were on the right hand of the river, and arranged with good defensive relations, making the place capable of offering a strong resistance against a land attack coming from the eastward. On the left bank of the river there was a number of hills within cannon range, that commanded the river batteries on the right bank.

The necessity of occupying these hills was apparent to me at the time I inspected Fort Henry, early in November last, and on the twenty-first of that month Lieutenant Dixon, the local engineer, was ordered from Fort Donelson to Fort Henry, to make the necessary surveys, and construct the additional works. He was at the same time informed that a large force of slaves, with troops to protect them, from Alabama, would report to him for the work, which was to be pushed to completion as early as possible.

The surveys were made by the engineer, and plans decided upon without delay, but by some

unforeseen cause the negroes were not sent until after the first of January last. Much valuable time was thus lost, but under your urgent orders, when informed of the delay, General Tilghman and his engineers pressed these defences forward so rapidly, night and day, that when I reached the Fort, (thirty-first January last,) they were far advanced, requiring only a few days' additional labor to put them in a state of defence. But no guns had been received that could be put in these works, except a few field-pieces; and, notwithstanding every effort had been made to procure them from Richmond, Memphis, and other points, it was apprehended they would not arrive in time to anticipate the attack of the enemy, which, from the full information obtained by General Tilghman, was threatened at an early day either at Fort Henry or Fort Donelson, or possibly on both at the same time. The lines of infantry cover, however, which had been thrown up were capable of making a strong resistance, even without the desired artillery, should the attack be made on that (the left) bank of the river. Experimental firing with the ten-inch columbiad, mounted in main work, showed a defect in the cast-iron carriage and chapis, which threatened to impair the usefulness of this most important gun. With the ordinary charge of sixteen pounds of powder, the recoil was so great as to cause most violent shocks against the rear heuster, threatening each time to dismount the piece. With the aid of an ingenious mechanic, clamps were finally made which served to resist, in some degree, the violence of the recoil. With this exception, the guns bearing on the river were in fair working order.

After the batteries of the main work were mounted, General Tilghman found much difficulty in getting competent artillerists to man them, and he was not supplied with a sufficient number of artillery officers.

Impressed with the great deficiency in the preparations for defending the passage of the river at Fort Henry, the commanding officer expressed to me his fears that it might cause disaster if the place were vigorously attacked by the enemy's gunboats. This he thought his greatest danger.

In conjunction with General Tilghman, I made every effort during the three days I remained at Fort Henry, to get all the works and batteries in as good condition for defence as the means at hand would permit. The third of February we went over to Fort Donelson to do the same. The works there required additions to prevent the enemy from occupying grounds dangerous to the river batteries and the field-work, which had been constructed for the immediate defence landward.

It was also important that better protection should be made for the heavy guns, (mounted for the defence of the river,) by raising the parapet with sand-bags between the guns, to give greater protection to the gunners.

The third and fourth days of February were devoted to making preparations for this work,

and locating lines of infantry cover on the commanding ground around the Fort.

In the midst of these labors on the fourth, heavy firing was heard in the direction of Fort Henry, which warned General Tilghman that the enemy had made his attack upon that work. This was soon confirmed by a report from Colonel Heiman to the effect that the gunboats had opened fire, and that troops were being landed on the right bank of the river, three and a half to four miles below the Fort. The General decided to return to the Tennessee River at once, and expressed, with some anxiety, a wish that I would accompany him. I finally took the responsibility of doing so, with the hope that my professional services might possibly prove useful during the defence. On arriving at Fort Henry, we found the enemy had landed additional troops below, and that every preparation was being made to attack by land and water.

The necessary dispositions for defence were at once entered upon, by making a special organization of the troops, and assigning commands to the officers.

Early the next morning, fifth February, the troops were drawn out under arms, and marched to the respective points each body was to defend—this, with a view to insure order in case it became necessary to form promptly in the face of the enemy. The main body of the forces was assigned to the defence of the advanced lines of infantry cover, where they were in a measure beyond the range of shot and shell from the gunboats, and the troops inside of the main Fort were to be limited to the men who had received some instructions in the use of heavy guns, and such additional force as could be useful in bringing up full supplies of ammunition. Those assigned to the Fort were practised at the battery, under the immediate supervision of the commanding officer, and each one taught, with as much care as possible, his duty in anticipation of the threatened attack.

In such preparations the day was consumed, and it was only at nightfall that the troops were relieved, to seek food and rest; it being quite apparent that the enemy would not attack until next day.

ATTACK ON FORT HENRY, SIXTH FEBRUARY, 1862.

During the early part of the day, preparations of the enemy for an advance with his gunboats, could be observed from the Fort—also, the movements of troops at their encampments along the bank of the river below—making it evident that we were to be attacked by land as well as by water.

About half-past eleven o'clock, one of the gunboats had reached the head of the island, about one and a third miles below our batteries, another soon followed, then a third, and a fourth—all coming as nearly abreast as the width of the river would permit. As soon as this line was formed, a rapid fire was opened upon our works, (about half-past twelve o'clock,) which was returned with

spirit by our gunners, who were all at their places, eager for the contest. In a short time after, the rifled cannon burst, killing three of the men at the piece, and disabling a number of others.

The effect of this explosion was very serious upon our artillerists—first, because it made them doubt the strength of these large guns to resist the shock of full charges—and secondly, because much was expected from the long range of rifled cannon against the gunboats. Still, all stood firmly to their work, under a most terrific fire from the advancing foe, whose approach was steady and constant.

From the rear of their lines a fifth gunboat was observed to be firing curved shot, many of which fell within the work, but to the rear of our guns; many shot and shell were lodged in the parapet, making deep penetrations, but in no case passing through, unless they struck the cheek of an embrasure. One of the thirty-two-pounder guns was struck by a heavy shell passing through the embrasure. All the gunners at this piece were disabled, and the gun rendered unfit for service.

About the same moment, a premature discharge occurred at one of the forty-two-pounder guns, causing the death of three men, and seriously injuring the chief of the piece and others.

Not many moments later, it was observed that the ten-inch columbiad was silent; the cause of which was at once examined into by General Tilghman, and it was found that the priming wire had been jammed and broken in the vent. A blacksmith (I regret I cannot recall the name of the gallant soldier) was sent for, and he labored with great coolness for a long time, exposed to the warmest fire of the enemy, but in spite of his faithful and earnest efforts, the broken wire remained in the vent, making this important gun unserviceable for the continued contest. By this time the gunboats, by a steady advance, had reached positions not over six or seven hundred yards from the Fort. Our artillerists became very much discouraged when they saw the two heavy guns disabled, the enemy's boats apparently uninjured, and still drawing nearer and nearer. Some of them even ceased to work the thirty-two-pounder guns, under the belief that such shot were too light to produce any effect upon the iron-clad sides of the enemy's boats.

Seeing this, General Tilghman did every thing that it was possible to do to encourage and urge his men to further efforts. He assisted to serve one of the pieces himself for at least fifteen minutes; but his men were exhausted, had lost all hope, and there were none others to replace them at the guns. Finally, after the firing had continued about an hour and five minutes, but two guns from our batteries responded to the rapid firing of the enemy, whose shots were telling with effect upon our parapets. It was then suggested to the General that all was lost, unless he could replace the men at the guns by others who were not exhausted. He replied, "I shall not give up the work," and then made an effort to get men from the outer lines to continue the

struggle. Failing in this, he sent instructions to the commanders of the troops in the exterior lines to withdraw their forces. As soon as this movement was commenced, confusion among the retiring troops followed—many thinking it intended for a rapid retreat to escape from the enemy's forces, expected to approach from the point of landing below. A few moments later the flag was lowered.

From information received, the strength of the enemy was estimated at nine thousand men. These forces were advancing to cut off the communications with Fort Donelson. Probably the movement would have proved a success, had the garrison remained a few hours longer.

Our force at Fort Henry was about three thousand two hundred, of which less than one hundred were surrendered with the Fort.

The fall of Fort Henry, and the power of the enemy to strike at once, with an immense force, at Fort Donelson, made it necessary that the army at Bowling Green should be withdrawn to a point which would secure a prompt passage to the Cumberland River. The vicinity of Nashville seemed the proper position. If the enemy were defeated at Donelson, with prompt reinforcements, there was still a hope that your army might resist the invader, and defend that city; if Donelson fell, it could be promptly passed to the south bank of the river.

DEFENCE OF FORT DONELSON.

The capture of Fort Henry was, for the enemy, a great success, which, it was felt, would embolden him to make an early attack upon Fort Donelson.

To meet this, every effort was made to strengthen the defences. Lines of infantry cover were laid out on commanding grounds around the place, and fatigue-parties were daily employed in their construction. To aid the local engineer in the work of defence, I remained at the Fort the seventh, eighth, and ninth of February, when General Pillow took command of the whole. At his request, I asked and received authority to remain and aid in the defence.

Immediately on his arrival, the General took active measures to inform himself as to the character of the defences, and had the additional works pressed forward with the greatest activity. Having received reinforcements, and others being expected daily, the lines of infantry cover were extended so as to embrace the town of Dover, where many of our munitions were stored. The time for these works being decided upon, they were at once pressed to completion, and the batteries for the defence of the river strengthened.

By the night of the twelfth these were in readiness, and the heavy guns recently received at the Fort were mounted. To provide an ample force of artillerists to work the heavy guns, through a long-continued attack, General Pillow detailed Captain R. R. Ross, and his company of well-drilled men from his battery, to aid in the river defence. The selection of this officer and

his command proved most fortunate, as in the obstinate attack that was made by the gunboats, they performed noble and effective service.

Brigadier-General Buckner arrived at Fort Donelson on the afternoon of the twelfth.

In the mean time, the enemy had landed in large force on the bank of the river below, and other troops were brought over from Fort Henry. The smoke of his gunboats was seen in the distance, warning us that a combined attack was to be expected. Skirmishes were frequent between our pickets and the enemy's forces advancing to meet us.

On the thirteenth the besiegers opened, with artillery, upon our land defences; and their sharpshooters annoyed our men constantly whenever exposed above the infantry covers, as at the field batteries. One of the gunboats commenced firing upon the river batteries early in the day, throwing shot and shell at long-range.

The same morning General Floyd arrived with reinforcements, including three batteries of field-artillery, which were placed in position as promptly as possible. The enemy's fires were kept up throughout the day, and responded to with spirit by our artillery and infantry. In the afternoon an attempt was made to storm the intrenchments on the heights near our centre, but failed—the assailants being handsomely repulsed. One of the guns in the river batteries was struck by a heavy shot from the gunboat, disabling the carriage, and killing Lieutenant Joseph Dixon, the local engineer officer. Our total loss during the day was considerable, but I am unable to report numbers.

The contest of the day closed. The enemy had gained no footing on our works, or produced any important impression upon them. But our forces were much fatigued, having been under arms all day, and this after three or four days' hard labor upon the intrenchments. To add to their sufferings, it turned suddenly cold in the afternoon, and, at dark, commenced snowing, and continued the greater part of the night. Inclement as was the weather, it was necessary (to guard against surprise) that the troops should be all night in position along the lines of infantry cover. The next day, the fourteenth, the besiegers brought up large reinforcements, just landed from numerous transports, and extended their lines, in great strength, toward their right, enveloping our extreme left. They took positions that placed it in their power to plant batteries on the river bank above, and cut off our communications. Such appeared to be their design. In consequence of these movements the firing of the enemy was less frequent than on the previous day.

Early on this afternoon the gunboats were observed to be advancing to attack the river batteries, and at three o'clock a vigorous fire was opened from five boats approaching *echelon*. Our gunners reserved their fire until the gunboats had come within effective range, and then at a signal, every gun was fired—twelve in number. This fire told with great effect, penetrating the iron

sides of the boats. The firing now became terrific—the enemy still advancing. In rear of the five boats first engaged, a sixth was reported throwing curved shot, which passed over our works, exploding in the air just above. After some time, one of the boats was seen to pull back, probably disabled by our shot. The others continued to advance, keeping up a rapid fire.

Our batteries were well served, and responded with great effect, disabling, as it was believed, two more of the gunboats. The engagement lasted until ten minutes after four o'clock, the gunboats having approached to within three hundred or four hundred yards of our guns, when they withdrew from the contest. Our batteries were uninjured, and not a man in them killed.

The repulse of the gunboats closed the operations of the day, except a few scattering shot along the land defences. It was evident, however, from the movements of numerous bodies of troops around our lines, that the enemy had resolved to invest us, and, when prepared, to attack us in overwhelming numbers, or press us to a capitulation by cutting off supplies and reinforcements.

Generals Floyd, Pillow, and Buckner met in council soon after dark; I was present. After an interchange of views, it was decided to attack the enemy on his extreme right and right centre, at five o'clock in the morning. It was believed that the enemy might be driven back and an opportunity secured to withdraw in safety our forces; that possibly greater advantages might be gained by the attack, which, if well followed up on our part, would result in disaster to the invaders.

This being decided upon, the brigade commanders were at once sent for, and the positions for their respective commands in the order of attack assigned. Brigadier-General Pillow was to direct the movement against the right of the enemy; Brigadier-General Buckner, that against his right centre, advancing along the Wynn's ferry road. A few regiments were to remain to guard the lines.

About five o'clock next morning (the fifteenth) the left wing, under General Pillow, moved to the attack. Brisk fires were opened and kept up by the enemy, and responded to with spirit from our lines, his men generally overshooting, while ours were constantly warned to aim low.

The enemy's fire, after some time, extended towards their extreme right, indicating a design to turn our left. To meet this, a body of troops, under Brigadier-General B. R. Johnson, made a flank movement and met the foe. After a long struggle, the enemy finally gave way, at first falling back slowly. Our troops pressed forward, and about half-past nine o'clock, his right wing was in full retreat. Now, the cavalry on our extreme left was brought up and charged with effect on the retreating enemy. Six field-pieces were captured at different points, and, at a later hour of the day, brought within the line of intrenchments. Our success against the right wing was complete.

I now accompanied General Pillow across the field to the point of attack assigned to General Buckner's division. On our arrival there, his division was in rear of the lines of infantry covers, the General and his officers encouraging the troops to renew the attack on the enemy, who still held position in their front. General Buckner stated, that he had, soon after the firing of General Pillow's forces was heard, opened on the enemy with artillery, and followed it up by sending forward two of his best regiments to the assault, that they moved forward over the infantry covers with spirit, and advanced steadily and in order against the enemy. They were soon exposed to heavy fires of small arms, and of a field battery planted in their front; and they responded well for some time to the volleys of the besiegers, but finally their ranks were thrown into confusion, and they fell back rapidly in rear of our intrenchments. General Buckner continued to encourage his men, feeling that a little time was necessary to overcome the dispiriting effects of the repulse earlier in the day. In the mean time, the fires of our left wing were heard steadily advancing, driving the enemy back upon his right centre. This was referred to with encouraging effect upon General Buckner's division. Artillery fires were kept up against the enemy in his front, and soon afterward he moved forward with his division to renew the attack. The enemy being now pressed in front of his centre by this advance, and on his right flank by the pursuing forces of General Pillow's division, retreated rapidly for some distance toward his left wing; but, receiving heavy reinforcements, the pursuit was checked, and finally the retreating foe made a firm stand, opening from a field-battery, strongly supported by masses of infantry.

About one o'clock an order was given by Gen. Pillow, recalling our forces to the defensive lines. Our forces having returned, they were ordered to the positions they occupied the day previous, involving a march of over a mile for the troops on the extreme right. The enemy at the same time advanced with his reinforcements to attack that flank, and by a prompt movement succeeded in effecting a lodgment within the lines just as our exhausted forces arrived.

A vigorous attempt to dislodge him failed, and at length our men, having suffered much, fell back, leaving him in possession of that portion of our defences. The advantage gained by the enemy placed him in position to assault our right in full force with his fresh troops next morning. Such was the condition of affairs when the darkness of night closed the bloody struggle of the day. In course of the night Generals Floyd, Pillow, and Buckner met in council. I was not present.

The following morning about three o'clock I was told by General Pillow that a surrender had been decided on. He invited me to join himself and staff, as they were not included in the proposed surrender. This I accepted, and accompanied him to Clarksville and Nashville, where I had the honor to report to you in person.

From information received, the strength of the enemy at Donelson was estimated to be about fifty thousand. Our effective force was about fifteen thousand.

The surrender at Fort Donelson made Nashville untenable by the forces under your command. Situated in a wide basin, intersected by a navigable river in possession of the invader—approached from all directions by good turnpike roads, and surrounded by commanding hills, involving works of not less than twenty miles in extent, the city could not be held by a force less than fifty thousand. With all the reinforcements to be hoped for, your army could not be raised to that number before the place would have been attacked by heavy forces of the enemy, both by land and water. The alternative was to withdraw to the interior of the State of Tennessee.

J. F. GILMER,

Lieutenant-Colonel and Chief Engineer, Western Department.

REPORT OF G. C. WHARTON.

HEADQUARTERS FIRST BRIGADE, FLOYD'S DIVISION,
CAMP NEAR MURFREESBORO,
TENNESSEE, February 22, 1862.

Brigadier-General John B. Floyd:

SIR: I have the honor to submit the following report of the participation of this brigade in the engagement at Fort Donelson:

The advance of the brigade, the Fifty-first regiment Virginia volunteers, reached Dover, one mile from the Fort, about eleven P.M., on Friday, the seventh, and immediately reported to Brigadier-General B. R. Johnson, who was then in command, and was ordered to encamp near the wharf. About four P.M., on the eighth, the Fifty-sixth regiment Virginia volunteers arrived, and was ordered to encamp near the Fifty-first. From Saturday to Wednesday following there was skirmishing between our cavalry pickets and the enemy. On Wednesday our pickets were driven in, and the enemy reported advancing in force; the brigade was then ordered to take position on the left of Brigadier-General Buckner's division, and near the centre of our line of defence. Soon after taking position the enemy commenced to throw shot and shell, which did no execution; Captain Porter's battery was then ordered to take the position which had been assigned to this brigade, and we were ordered to the support of the left wing, commanded by Brigadier-General Johnson. We were engaged during the evening and night in constructing breastworks and rifle-pits; during Thursday we were under a heavy fire from the enemy's batteries. There were also frequent engagements with the infantry, in all of which the enemy were repelled.

Thursday night we remained again in the ditches; on Friday there was skirmishing with the infantry and sharp-shooters, and occasionally sharp firing from the batteries. On Friday evening occurred the terrific cannonading between the gunboats and the Fort, some of the shells from the boats exploding in and near our lines, but doing no injury. On Saturday morning, at four A.M., the brigade was withdrawn from

the ditches and placed in line by order of Brigadier-General Pillow, to make an attack on the enemy's extreme right flank. Colonel Baldwin's brigade was placed in advance; this brigade followed next; about six o'clock the column was put in motion. We had scarcely passed beyond the line of our defence when the skirmishers of Colonel Baldwin's brigade engaged the enemy's pickets. In a few minutes the engagement became general; we were then ordered to deploy and advance, which was done with spirit and promptness. The enemy, after a very obstinate resistance, was forced to retire, but were either rallied or reinforced on the several ridges from which they were again and again driven. Our men, cheering as they charged, pursued them nearly two miles, when orders were received that we should retire to our intrenchments. The brigade was very much exhausted, having been under fire or in the ditches for more than four days. The loss of the Fifty-first was nine killed, forty-three wounded, and five missing; of the Fifty-sixth, three men were killed, thirty-seven wounded, and one hundred and fifteen missing. Lieutenant-Colonel J. W. Massie commanded the Fifty-first regiment. His bearing was most chivalric and gallant. Captain G. W. Davis gallantly led the Fifty-sixth regiment. Lieutenant August Vosberg, attached to the brigade as engineer officer, rendered very efficient service in rallying and leading the men, and throughout the day distinguished himself for gallantry and acts of daring. To mention the many individual instances of heroism and daring would too much lengthen this report; therefore, suffice it to say, that all the officers and men of both regiments behaved with commendable coolness and bravery.

Captain S. H. Newberry, Lieutenants Henderson and Painter of the Fifty-first, were wounded; Captain D. C. Harrison was mortally wounded whilst leading his men to a charge. Lieutenants Ferguson and Haskins were also wounded. A number of improved arms were captured and brought to camp.

On Sunday morning, the sixteenth, the brigade was ordered from Fort Donelson to Nashville, where valuable service was rendered in guarding and shipping government stores.

Thursday, the twentieth, the brigade was ordered to this place, where we are now in camp.

Respectfully submitted,

G. O. WHARTON,
Colonel Commanding Brigade.

REPORT OF COLONEL JOHN McCausland.

HEADQUARTERS SECOND BRIGADE, FLOYD'S DIVISION,
MURFREESBORO, TENNESSEE, February 22.

Brigadier-General John B. Floyd:

SIR: I have the honor to submit the following report of the action of this brigade, on the thirteenth, fourteenth, and fifteenth of February, 1862, in the engagement near Fort Donelson, between the confederate States forces and United States forces under General Grant. On the morning of the thirteenth I received your orders

to proceed at once from Cumberland City to Fort Donelson, where we arrived at daylight, and were at once ordered to the trenches. This brigade was posted as a support to Green's battery on the left wing. During the entire day the enemy kept up an incessant fire of shot and shell upon the battery and its support; the men and officers behaved well under the circumstances, and soon became accustomed to the firing. There were five men wounded during the day. On the fourteenth there was continued skirmishing with artillery and musketry. About two o'clock P.M., the gunboats commenced a heavy bombardment of the Fort, the shells passing over and taking the line of works in reverse, and many passing over and through this brigade; however, we suffered no loss, and gathered several large shells, (sixty-fours I think.) About dark, another battery was posted in front of our position, and during the night it was placed behind a good earth-work, thrown up by the men. About midnight, I received orders to concentrate my brigade near the left wing, which was done promptly, and at daylight of the morning of the fifteenth, the column under General Pillow sallied from the left and engaged the enemy in a short space of time.

This brigade was a reserve for Colonel Baldwin's brigade, but the enemy pressing his right, I at once moved up to his support and engaged the enemy posted in thick undergrowth and a rough and rolling country. I ordered the firing to commence as soon as the enemy was in sight. They were advancing just in front of the Thirty-sixth Virginia regiment. They in a short time were checked, and then I ordered a charge upon them; the men came up with a shout and charged the enemy, routed him, and pursued him for two miles, when we were called back by order of General Pillow. The Thirty-sixth Virginia regiment had fourteen killed and forty-six wounded. On Sunday morning this brigade was ferried across the river, and are now arriving at this camp. Lieutenant-Colonel Ried was wounded about the close of the action. He and Major Smith behaved gallantly during the day; in fact, men and officers all behaved well. We captured one field gun and two hundred Enfield muskets.

I am, sir, very respectfully,

Your obedient servant,

JOHN McCausland,
Commanding Second Brigade.

REPORT OF COLONEL W. E. BALDWIN.

FORT WARREN, BOTTOM HARBOR, }
March 12, 1862.

Major George B. Cosby, A. A. General:

SIR: Left by General Buckner at Cumberland City, on the eleventh of February. On the night of the twelfth instant, I received orders by telegraph from Brigadier-General Pillow, commanding at Fort Donelson, to hasten to that place with two regiments of my command. The Twenty-sixth Tennessee, Colonel Lillard, and the Twenty-sixth Mississippi, Colonel Reynolds, were immediately embarked and arrived at Dover

about one o'clock in the morning of Thursday, the thirteenth. These regiments were at first posted immediately on the left of the centre of our lines of rifle trenches, as a support to one of our batteries. This disposition was changed after daylight the same morning; the Twenty-sixth Mississippi being placed in the trenches on the extreme left, and the Twenty-sixth Tennessee placed in reserve as a support to the former.

About nine o'clock A.M., the enemy commenced a brisk artillery fire, apparently on our whole line. This fire, kept up with but little intermission throughout the entire day, produced but little effect upon the left until late in the evening; when, the enemy having reduced his charges, several of the shells, which had previously passed too high, fell in our midst, mortally wounding one man and slightly wounding two others in Colonel Lillard's regiment.

On the fourth the fire was not renewed. About noon, General Pillow directed the left wing to be formed in the open ground to the left and rear of our position in the lines, for the purpose, apparently, of attacking the enemy's right. My command, to which the Twentieth Mississippi, Major Brown, was temporarily attached, constituted the advance, in the following order; first, the Twenty-sixth Mississippi; second, the Twenty-sixth Tennessee; third, the Twentieth Mississippi.

Formed in column by platoon, we advanced in a road leading from a point about two hundred yards from the left of our trenches, and approaching, nearly perpendicular, the enemy's right. We had proceeded not more than one fourth of a mile, when General Pillow ordered a counter-march, saying that it was too late in the day to accomplish any thing; and we returned to our former position in the lines.

Late that night commanders of brigades were summoned to a council at General Pillow's headquarters, where, after being duly advised of our perilous situation, enveloped by a largely superior force, which was being constantly increased, and our communications already at the mercy of the enemy, it was unanimously determined to endeavor to extricate the army by a bold and vigorous attack on the right of the Federal lines early on the morrow.

The regiments composing our left wing were to form at four o'clock A.M., on the same ground and in the same order as on the previous evening, and to advance, under command of General Pillow, to attack the extreme right of the enemy, supposed to be posted in force at a distance of one and a half or two miles.

This movement was to be supported by our right wing under General Buckner, who was to move from the lines at a later period, follow up the first blow, and, should the combined movement not prove successful in creating a panic in the enemy's ranks, a way might at least be opened by turning his right for the egress of our whole force. In anticipation of thus attempting our escape, the men were directed to take

knapsacks, blankets, and all the rations that could be immediately provided.

Precisely at ten minutes past four o'clock on the morning of Saturday, the fifteenth, General Pillow arrived on the ground, and found my three regiments, which were to constitute the advance, formed and ready to march. Some delay was caused by regiments not arriving promptly, and it was six o'clock before the column was put in motion. Marching by the right flank in a narrow and obstructed by-road, the head of the column had advanced not more than one third of a mile, when, ascending a slight elevation, the advanced-guard, composed of a company of the Twenty-sixth Mississippi deployed, was fired upon by what was supposed at first to be only the enemy's pickets. A second company of the same regiment was immediately thrown forward to support the first; but both were soon driven back by a brisk and well-sustained fire, which indicated the presence of considerable force. Meanwhile the column was formed by company, and the leading regiment deployed into line to the right. This method of forming line of battle was rendered advisable by the peculiar features of the ground, which sloped gently to the right, thickly covered with timber. About ten yards to the left of the road, and running nearly parallel, was a fence, which bounded on that side an open field of some four hundred or five hundred acres extent. This field afforded no protection to our troops if brought "forward into line," but would expose them, in executing the movement, to a destructive fire, should the enemy have taken advantage of the position.

In executing the deployment, the Twenty-sixth Mississippi was three times thrown into confusion by the close and rapid fire of the enemy taking the men in flank, and three times were they rallied, finishing the movement some fifty yards to the rear, and a little to the right of the exact point where their line should have been placed. The subsequent conduct of this regiment fully demonstrates the fact that any other than forward movements are extremely dangerous with volunteers, for during the remainder of the day both officers and men behaved with great coolness and gallantry.

The Twenty-sixth Tennessee was then brought forward and five companies deployed so as to occupy the space between the fence on the left, and the Twenty-sixth Mississippi on the right, leaving the remaining five companies in column in the road to strengthen that point, which would evidently become the centre and pivot of operations.

Soon after this disposition was completed, a staff-officer having been sent to advise General Pillow that the enemy was before us in force, other regiments were sent forward from the rear of the column to right and left. Colonel McCausland, of Virginia, with his command, formed on the right of the Twenty-sixth Mississippi; the First Mississippi, Colonel Gregg's Texas, and Lieutenant-Colonel Lyon's Eighth Kentucky regiments were formed still farther to our right, the

latter regiment thrown back perpendicularly to our line, to prevent the enemy taking advantage of the cover afforded by the slope of the ground to turn our right.

The Twentieth Mississippi was sent into action, as I have since learned, by direct order of General Pillow, and caused to take position in the field on the left, where they were openly exposed to a destructive fire, which they were not able to return with effect. The regiment was soon recalled, but not before its left wing had suffered heavy loss. Our line advanced some fifty or one hundred yards up the slope, and remained stationary for more than an hour, the position of the enemy being so well chosen and covered, that it seemed impossible to gain an inch of ground. A small detachment of Virginia troops on the left of the Twenty-sixth Tennessee, and in the open field, twice endeavored to gain ground forward to a point where their fire could be effective, but were unable to stand the destructive effect of the Minié-balls.

At this juncture the Twentieth Mississippi again came up across the field, and took possession, slightly covered by an irregularity of the ground.

Observing a regiment or more of our troops posted inactive some three hundred or four hundred yards still more to our left, where the shallow ravine (which covered our front) spread out and was lost in the plain, I requested the commanding officer to throw forward his left, and advance up the hollow in a direction nearly parallel to our line of battle, and attacking the enemy's right flank. This movement being supported by the whole line—all the regiments on the left throwing forward their left wings—we succeeded in executing a change of front to the right, turning the right of the enemy, and driving him at once from his position.

Up to this time our condition was one of extreme peril, and nothing but the native gallantry of troops, brought forth the first time under heavy fire, and the extraordinary exertions of many of the field and company officers, saved us from being thrown back in confusion into our trenches.

From this time the enemy were slowly driven from each position, which the ground, favorable for defence, enabled them to take. Two sections of artillery were taken. These, placed to bear on our lines of rifle trenches, were rushed upon in flanks and seized before they could be turned upon us, or be taken from the field. The first section was taken by the Twenty-sixth Tennessee, the second by the Twenty-sixth Mississippi. Advancing in a direction nearly parallel to our line of defence, when nearly opposite the centre, our course was for some time impeded by the desperate stand made by the enemy, who was probably reinforced, and occupying ground most favorable for sheltering his troops. Our ammunition had been so rapidly expended as to entirely exhaust the supply of some regiments. Numbers had provided themselves from the cartridge-boxes of the dead and wounded enemy.

Our force had been considerably reduced by casualties, and the numerous attendants who conveyed the wounded from the field. Having no mounted officer to send, I rode up to where Captain Graves's battery was posted in the trenches, and requested supplies of ammunition and reinforcements, if any could be spared, giving Captain Graves an intimation as to the relative positions of the forces engaged. Immediately on my return he opened a fire of grape, which so disordered the enemy that we were again enabled to advance, driving him from his camp of the night before.

He took a new position, still further retired, holding it for some time, until Colonel Hanson, with the Second Kentucky regiment coming to our assistance, poured a fire into the enemy's flank, who immediately fled in confusion.

This completed the rout of the extreme right of the Federal forces. Uncertain as to the movements of our right wing, I paused, to obtain the information necessary to render our future movements effective, and to restore order from the confusion incident to a continuous combat of nearly six hours in the woods.

Here, General B. R. Johnson came up to me for the first time, although I learn that he had, at different times during the morning, directed other portions of the line. He could give no information, but soon after, whilst my attention was directed to the Twenty-sixth Mississippi and Twenty-sixth Tennessee, moved off all the other regiments, including the Twentieth Mississippi. I saw no more of these during the remainder of the day.

After the lapse of an hour, observing troops from the right returning to their original positions in the lines, I directed the two regiments left with me also to return to the trenches.

Three times during the day I had sent a staff-officer to General Pillow for instructions, advising him of our situation. But no orders or directions were received from him, except to do "the best I could."

Being totally unacquainted with the topographical features of the ground, unadvised as to the movements of the general command, it was impossible for me to do more than simply dislodge the enemy, as from time to time he had made a stand before us.

I would beg leave to remark here that the efficiency of the smooth-bore musket, and ball and buck-shot cartridges, was fully demonstrated on this occasion, and to recommend that our troops be impressed with the advantage of closing rapidly upon the enemy, when our rapid loading and firing proves immensely destructive, and the long-range arms of the enemy lose their superiority.

For lists of killed and wounded, and minor details, recounting the conduct of subaltern officers and men, I beg leave respectfully to refer to reports of regimental commanders, which accompany this report.

Justice requires that I should refer to the coolness and gallantry of Colonel Jno. M. Lillard,

who, wounded in the early part of the engagement, remained at the head of his command during the whole day. It is difficult to determine which deserves most commendation, this regiment or its commander.

Lieutenant-Col. Boone and Major Parker, Twenty-sixth Mississippi, both conducted themselves as officers and brave men, and this regiment bore its part well in the conflict.

Major Brown, commanding the Twentieth Mississippi, is entitled to honorable mention; his left wing thrown, in the early part of the day into an exposed position, by an ill-advised order, held its ground until recalled, and afterward the whole regiment was among the foremost in every advance. I cannot forbear to mention that Colonel McCausland's (—) Virginia, not assigned to my command, voluntarily tendered his cooperation, and was conspicuous for his daring intrepidity. The members of my staff deserve especial notice.

Lieutenant S. D. Harris, Fourteenth Mississippi, Acting Assistant Adjutant-General, was of great assistance. He merited, and has received my thanks. So, likewise, did Thomas A. Burke, a private in company I, Fourteenth Mississippi, appointed an acting aid-de-camp. T. F. Carrington, a private in company K, Fourteenth Mississippi, also an acting aid-de-camp, was severely, I fear mortally, wounded, in the early part of the action, an accident which deprived me of the services of a valuable aid.

Captain D. H. Spence, of Murfreesboro, Tenn., volunteer aid, was severely wounded in the head while gallantly exposing himself on the top of a fence, and urging "Tennesseans, onward!"

My own regiment, the Fourteenth Mississippi, Major Doss, was sent to Fort Donelson some days in advance of my arrival. The Forty-first Tennessee, Colonel Farquharson, was brought down on the thirteenth.

Both regiments were posted on the right, and thus temporarily separated from my command.

Neither representations nor solicitations on my part could avail in inducing such change as would reunite these regiments, or place me where I desired to be, under the immediate direction of my proper commander.

The reports of these latter regiments have been made to Colonel John C. Brown, commanding Third brigade, under whose orders they were temporarily placed.

A condensed statement of killed and wounded is annexed. Respectfully, your obed't servant,

W. E. BALDWIN,

Colonel Commanding Second Brigade, General Buckner's Division.

SUMMARY OF KILLED AND WOUNDED — SATURDAY, FEBRUARY 15, 1862.

Officers: Twenty-sixth Tennessee, in action, thirty-three; wounded, seven. Twenty-sixth Mississippi, in action, 39; killed, one; wounded, one. Twentieth Mississippi, in action, thirty-one; killed, one; wounded five. Staff, five; wounded two. Total in action, one hundred and eight; killed, two; wounded, fifteen.

Non-commissioned officers and privates: Twen-

ty-sixth Tennessee, in action, three hundred and seventy-seven; killed, eleven; wounded, seventy-eight. Twenty-sixth Mississippi, in action, four hundred and four; killed, eleven; wounded, sixty-eight. Twentieth Mississippi, in action, four hundred and sixty-nine; killed, eighteen; wounded, fifty-five. Total in action, one thousand two hundred and fifty; killed, forty; wounded, two hundred and one. Aggregate in action, one thousand three hundred and fifty-eight; killed, forty-two; wounded, two hundred and sixteen.

REPORT OF COLONEL JOHN M. LILLARD.

To Colonel W. E. Baldwin, Fourteenth Mississippi, Commanding Brigade:

The regiment went into action on Saturday, February fifteenth, 1862, with four hundred, including field and staff, etc. There were eleven killed and eighty-five wounded, many mortally, who have since died. Total killed and wounded, (96) ninety-six.

The enemy were driven back by us, their right wing being driven on their centre and left, making repeated stands, and being repeatedly routed, in which this regiment captured two brass cannon, two flags, the instruments of a band, and several prisoners. Of the conduct of the regiment in action, it is left for the brigade commander to speak. Respectfully submitted,

JOHN M. LILLARD,

Colonel Twenty-sixth Regiment Tennessee Volunteers.

REPORT FROM MAJOR W. M. BROWN.

RICHMOND, VA., April 12, 1862.

To General G. W. Randolph, Secretary of War, C. S. A.:

I am directed by his Excellency, President Davis to make your department a report of the part taken by the Twentieth Mississippi regiment in the engagement with the enemy at Fort Donelson, February thirteenth, fourteenth, and fifteenth, 1862; also, all the other facts concerning the investment and subsequent surrender of that post.

The regiment was assigned to the command of Brigadier-General John B. Floyd, in Western Virginia, during the past summer, and went to Kentucky, and from thence to Fort Donelson, as part of his immediate command, arriving at that place at daylight on the thirteenth of February.

By sunrise, we were ordered into position as a reserve, immediately in rear of a point which was said to be our centre. During the day, heavy cannonading was kept up on both sides, mostly of shells and shrapnel, which resulted in killing one man and wounding three or four, slightly. At night, we bivouacked in position until twelve o'clock, when an order came from General Pillow to relieve the Seventh Texas regiment, commanded by General George John Gregg, then in the trenches. At that time, brisk firing was going on, supposed to be induced by the enemy's scouts and sharpshooters. The breastworks were thought insufficient from the test of the preceding days, so the remainder of the night was occupied in strengthening them, and cleaning out

the trenches, now partially filled with water and snow.

The next day (Friday) was spent in occasional engagements with the enemy's sharp-shooters. The Fort was actively engaged in repelling an attack of the gunboats of the enemy. My position did not afford me a view of the proceedings, which have been fully reported by others. About ten o'clock, I received an order to form our regiment on the extreme left in an open field, for the purpose of making a sortie on the enemy, which formation was executed in a very short time. By order of General Pillow, the Twentieth Mississippi was attached to the brigade of Colonel W. C. Baldwin, Fourteenth Mississippi regiment, for this occasion. Before the order to advance had been given, a few guns of the enemy were heard, and by the time we had advanced one hundred yards, a private of company D was shot down, showing that the enemy was close at hand. We continued the march for two hundred yards more, when the order to halt was given, said to come from General Floyd, with the explanation that we did not have time to accomplish what he wanted, and the order to countermarch being given, we did so in proper order, and we took our position in the trenches.

About ten o'clock on that night (Friday) I received an order to form again as on the preceding evening, which was executed promptly, and by direction of General Pillow, was again under the command of Colonel W. E. Baldwin, Fourteenth Mississippi regiment, acting Brigadier. I made a report to him of the casualties of that day, while in captivity, but as he has been prohibited from making a statement to the War department of this government, as likewise General Buckner, I hereby substantially append the same of that day's proceedings, which was confined particularly to the Twentieth Mississippi regiment. Being the only field-officer in command, who was present, I was greatly assisted by Captain H. Outey, and Captain C. K. Massey, company D, who were selected voluntarily by the officers of the regiment to assist in field duty, there being some difficulty as to seniority of captains. Adjutant J. M. Cooper was also very efficient, and tendered valuable assistance.

Assistant-Surgeon T. B. Elken was present, and rendered every assistance in his power to the wounded.

Recapitulation.—Aggregate engaged, five hundred; killed, twenty; wounded, fifty-eight; surrendered, four hundred and fifty-four. That being the number returned by the commanding officers of companies on Sunday, February sixteenth, 1862, the day we were surrendered; afterward many of them reported that they had known several to escape.

On the morning of Saturday, the fifteenth February, when marched out to attack the enemy, we were third in the order of advance. The enemy's pickets and sharp-shooters commenced firing upon us soon after the order to advance, and by the time we had gained three hundred yards, we were under a brisk fire, which came

from a hill in front, covered with timber. By order from General Pillow, the regiment was formed on the left of the road, perpendicular to the road in the woods, immediately behind a fence, with an open field in front.

Subsequently, I received an order from the same source to wheel the regiment to the right, through the field behind the line of fence, parallel to the road. This movement subjected us to a cross-fire, and very much exposed us to the enemy on both sides under cover of the woods.

I had this fact represented to General Pillow, who ordered me back to my first position.

At this time the five left companies were actually engaged on the hill, and not hearing the command, did not obey with promptness. The destruction at this time in their ranks demonstrated the fierceness of the conflict, and their unflinching bravery. I would mention especially Lieutenant R. W. Paine, of company H, who fell at this time, a martyr to his country's cause. There also was wounded, Captain D. F. Patterson, company K; Lieutenant J. R. Eastland, company F, was badly, perhaps mortally wounded. He refused to be carried from the field, and exclaimed: "Never mind me, boys; fight on, fight on." Lieutenant J. W. Barbee, company H, was wounded, and forced to retire.

Captain W. A. Rover, commanding company B, Lieutenant W. R. Nelson, commanding company G, Lieutenants S. B. Sykes, Conway, Murf, Roberts, W. S. Chaplin, commanding company E, and Lieutenant Harrison, are all deserving of honorable mention, for their conduct at this place.

To enumerate all the officers and privates who were deserving of notice for their gallantry throughout the day, would be to return a list of all who were on the field, and I would refer you to the foregoing list; but as fortune had thrown the left of the regiment in a more fiercely contested place, of which the suffering truly indicated, it is but justice to give these companies some especial notice.

On several other occasions during the day we were ordered to advance and charge through the woods, part of the time under the eye and immediate direction of General B. R. Johnson, on the extreme left, until the enemy were instantly driven off. Our movements under that officer seemed to take the enemy by their flank and rear. We opposed several of their lines of reserve, which retired with but little resistance at twelve o'clock. I was instructed by General Johnson to remain with the brigade of Colonel Joseph Drake, of Fourth Mississippi, then on my left. The regiment on my right very soon commenced retiring to the intrenchments; I did not learn by whose order, or for what purpose. In two or three hours a heavy column of the enemy attacked us in front, which was repulsed with little or no loss to us. They then endeavored to flank our right, and thereby cut us off from the breastwork, now about three fourths of a mile distant. Colonel Drake being so informed, gave the order to move, by the right

bank, and continue the firing, which was executed.

By this time many companies were without ammunition; such was the case of many of Colonel Drake's command. On this account, we retired to the trenches in proper order. When called upon the field, this regiment had been without sleep for four nights, during which time they were marching, working, and watching in the trenches, encountering a severe snow-storm, without tents or cooking utensils. Notwithstanding all these privations and sufferings, every order was obeyed with the greatest alacrity. Every man seemed to feel that much depended upon himself.

At one o'clock on Saturday night I was sent for to report to General J. B. Floyd, which I did promptly, and received notice from him that the place was to be surrendered, but that he would not surrender himself, and would cut his way out with his immediate command. To carry out this determination, he ordered me to form my regiment on the left of our line, as on the previous morning, with the Virginia regiment. While executing this order, an aid-de-camp of General Buckner brought an order countermarching this arrangement, and directing me to the steamboat landing to embark on one or two boats, then momentarily expected.

I went immediately to General Floyd so as better to understand the movement, and from him learned the authenticity of the instructions, and also that we would embark; according to the rank of commanding officers, Colonel Wharton's brigade and McCausland's brigade would precede mine in order. I was further directed to place a strong guard around the steamboat landing to prevent stragglers from going aboard. The boats being detained until nearly daylight, and the news of a surrender spreading through the camp, caused many to flock to the river, almost panic-stricken and frantic, to make good their escape by getting on board. In all this confusion I am proud to say, the Twentieth Mississippi regiment stood like a stone wall, which, as the necessity had required it, I had thrown in a semicircle around the landing, to protect General Floyd and his Virginia regiments while embarking, and when the last hope had vanished of getting on board, according to the orders and promises of General Floyd, and we realized the sad fate that we had been surrendered, the regiment stacked arms in good order, without the least intimidation, but full of regret. I am not able to state why we were not taken aboard the boat. There was about two hundred men and officers between my regiment and the boat. When General Floyd was on board, I sent my adjutant to say we were ready to go aboard. I did not get a satisfactory answer, but learned that the General was fighting off the men in my front, who I thought belonged to one of the Virginia regiments, commanded by Major Thomas Smith, who has since informed me that some did not go. There seemed to be room enough for us all, and if he wanted them out of the way, I

could have cleared the banks in a moment's time. When the boat left there did not seem to be fifty men on board, (seen on deck.) It is, perhaps, unbecoming in me to say whose fault it was that my regiment was not embarked, but I certainly owe it to myself to show that it was not mine.

While this excitement was going on, General Buckner sent for me, and informed me that unless the steamboat left the landing immediately, he would throw a bomb-shell into it; that he had sent word to the boat to that effect.

He made some further remarks of an explanatory character, among others that we were in danger of being shelled by the gunboats of the enemy, as he had surrendered the place, and the gunboats were, or might be, at the Fort. That his honor as an officer, and the honor and good faith of the Confederacy, required that at daylight he should turn over every thing under his command, agreeable to the terms of capitulation with General Grant, of the Federal army. I returned to the boat to make every effort to get aboard, but it had shoved off, and was making up the river, with very few persons aboard. If I have been at fault, and caused the unnecessary imprisonment of my regiment, I am deserving the eternal infamy of my fellow-soldiers; but on the contrary, there is not an officer or private of the regiment, who witnessed the proceedings, who does not freely and cheerfully exonerate me from any blame whatsoever.

During the summer and fall campaign in Western Virginia, Kentucky, and Tennessee, this regiment has done credit to themselves and their State, for the arduous service they performed at Sewall's Mountain, Cotton Hill, and Fort Donelson. Their manly endurance of privations, prompt obedience to orders, and their eagerness for the fray, was never excelled by veteran soldiers of any army, and has entitled the Twentieth Mississippi to a prominent place in the history of this revolution.

In obedience to my instructions to furnish the department whatever information I may have of the battle of Donelson, I hereby append an unofficial statement which I have in my possession, made by "W. E. Baldwin, Captain infantry, C. S. A., Colonel Fourteenth Mississippi volunteers, commanding Second brigade, Second division, (General Buckner,) central army, Ky.," from October thirtieth, 1860.

To supply an anticipated omission in the future history of our country, it may not be improper here to state, that this brigade was composed of the following regiments:

Fourteenth Mississippi, commanded by Major W. T. Doss; Twenty-sixth Tennessee, commanded by Colonel J. M. Lillard; Twenty-sixth Mississippi, commanded by Colonel A. E. Reynolds; and Forty-first Tennessee, commanded by Colonel R. Farquharson, was temporarily divided in the line around Fort Donelson; the Fourteenth Mississippi and the Forty-first Tennessee being posted in the right wing, under General Buckner's immediate supervision.

The Twenty-sixth Tennessee and the Twenty-

sixth Mississippi were posted under my own command on the extreme left. These regiments, with the Twentieth Mississippi, under Major W. N. Brown, which was added to the command, constituted the advance in our attack on the enemy's right at six o'clock on the morning of February fifteenth, 1862.

They all behaved with great gallantry in a six hours' combat, which resulted in the total defeat of the enemy's right; whereby a way was opened for a retreat of the army. The opportunity not having been seized, and the enemy, sixty thousand strong, having completely enveloped our little force, numbering, before the losses occasioned by four days' constant engagements, about twelve thousand officers and men. The senior generals, Floyd and Pillow, relinquished the command to General Buckner, and made their escape; the former taking with him about one thousand five hundred troops of his immediate command, only leaving Major Brown, with the Twentieth Mississippi, who, like veterans, were silently and steadily, though sullenly, guarding the embarkation of troops, while their chief was seeking safety.

The command was immediately surrendered on the morning of the sixteenth February, by General Buckner, who shared the fate of his command.

It is unbecoming in soldiers to criticise the conduct of superiors, but when, after rejecting the councils of juniors, the condition of affairs is placed beyond the power of human means to retrieve, the senior endeavors to escape responsibility by throwing the same upon the former, comment is unnecessary.

After surrendering, the force was taken on transports, the rank and file separated from the officers. Most of the officers were confined in Camp Chase, near Columbus, Ohio. On the fourth of March, the field-officers, fifty in number, were brought from that place to this, (Fort Warren,) where we have since been waiting with patience for the time to come when we can again strike for our homes and our country's independence.

Fort Warren, March 19, 1862.

It may not be improper here for me to state, that should any arrangement be established with the Federal Government for the exchange of prisoners of war, that in consideration of services rendered by this regiment, and the further fact it is mustered for the war, I should request it be placed first on the list to be exchanged.

Respectfully submitted, W. M. BROWN,
Major Twentieth Mississippi Regiment.

REPORT OF COLONEL JOHN C. BROWN.

To Major G. B. Cosby, A. A. General Second Division, Central Army, Kentucky:

SIR: I have the honor to report that the Third, Eighteenth, and Thirty-second Tennessee regiments, composing the Third brigade of your division, arrived at Fort Donelson on the ninth and tenth days of February, and were assigned position by Brigadier-General Pillow, then in command on the right of the line of defences—the

extreme right being occupied by the Second Kentucky regiment. I commenced at once the construction of rifle-pits and forming abatis by felling timber, but the supply of tools was wholly inadequate, and before the works were scarcely half completed, the enemy appeared in our front on Wednesday, the twelfth, about noon. After this, the incessant fire from the enemy's sharpshooters rendered labor on our works almost impossible during the day, and large fatigue parties were necessary during the entire nights of Wednesday, Thursday, and Friday, although the weather was intensely cold. On Thursday, the thirteenth, the Fourteenth Mississippi, commanded by Major W. L. Doss, and the Forty-first Tennessee, commanded by Colonel R. Farquharson, were temporarily attached to my brigade. The centre of my portion of the line, being the most elevated and commanding point, was defended by Captain Porter's light battery of six guns, while Captain Graves's battery was posted near the left, commanding a long wide valley, separating my left from Colonel Heiman's right. The position was an admirable one to support my left and Colonel Heiman's right, while it also commanded the hills immediately in front. About eleven o'clock on Thursday I discovered the enemy moving in considerable force upon Colonel Heiman's centre, and before the column came within range of Colonel Heiman, and indeed before it could be seen from Colonel Heiman's position, I directed Captain Graves to open fire from all his guns, which he did with such spirit and fatal precision, that in less than fifteen minutes the whole column staggered and took shelter, in confusion and disorder, beyond the summit of the hill still further to our left, when Colonel Heiman opened fire upon it, and drove it beyond range of both his and my guns. Later in the day the enemy planted one section of a battery on a hill, almost in front of Captain Graves, and opened an enfilading fire upon the left of my line, and at the same time a cross-fire upon Colonel Heiman. Captain Graves, handling his favorite rifle-piece with the same fearless coolness that characterized his conduct during the entire week, in less than ten minutes knocked one of the enemy's guns from its carriage, and almost at the same moment the gallant Porter disabled and silenced the other, while the supporting infantry retreated precipitately before the storm of grape and canister poured into their ranks from both batteries. Near one half of my command was constantly deployed in the rifle-pits, while the residue was held under arms and in position as a reserve; but on Thursday, Colonel Hanson, on the extreme right, being attacked by a large force, I sent, by General Buckner's orders, the Eighteenth Tennessee to his support, which remained with him until Friday night. On Saturday morning I had orders to move my command toward the left, so soon as Colonel Head should relieve my men in the rifle-pits. He was late in reporting, and without waiting longer I put the column in motion, directing the men in the rifle-pits to follow us, so soon as re-

lieved, which they did very promptly, but in some disorder. My whole command was provided with three days' cooked rations, and marched with their knapsacks, the purpose being to turn the enemy's right wing, and march out on the Wynn's ferry road, to fall back upon Nashville. Arriving at the point where the Wynn's ferry road crosses the intrenchments, the Third Tennessee was deployed in the rifle-pits, while the remaining regiments were held in reserve. The enemy had already been attacked on his right by our left wing, and we were awaiting the proper moment of cooperation, and by General Buckner's directions I sent the Fourteenth Mississippi to the front as skirmishers, the enemy occupying a hill in considerable force not far distant. The Third and Eighteenth Tennessee regiments, (the former commanded by Lieutenant-Colonel Thomas M. Gordon, and the latter by Colonel J. B. Palmer,) were sent forward in quick succession to support the Fourteenth Mississippi. As they advanced over the abatis and through comparatively open ground, and especially on reaching the summit of the hill, they were met by a murderous fire. Some confusion ensued, but they returned a steady fire until the enemy retired under cover of dense timber and undergrowth, withdrawing his battery, which had been pouring a heavy fire into our reserves. Further pursuit being impracticable in that direction, and companies having become separated and somewhat intermixed, on account of the obstacles over which they had marched, the command retired within the intrenchments, and immediately reformed to renew the attack still further to the right, whither the enemy were retiring. And about twelve o'clock, under the direction of Brigadier-General Buckner, I led the Third and Eighteenth Tennessee, as well as the Thirty-second Tennessee, (Colonel Ed. C. Cook,) across an open field on the right of the Wynn's ferry road, under the fire of a battery posted on that road. As we appeared upon the summit of the hill, the force supporting the battery retreated about three hundred or four hundred yards still further to our right and further from our lines, leaving one section of the battery, which fell into our hands. The hill to which the enemy retreated was so densely covered with trees and undergrowth that our skirmishers could not ascertain his position and numbers, but we were led to suppose that his battery at that point was supported by a force not exceeding one thousand men; but it was afterward ascertained that his strength was nearly seven thousand, while there were five regiments with in supporting distance.

Acting upon the first and only information we could then obtain, a charge was ordered, and the whole command moved forward with spirit and animation, but when within about one hundred yards of the enemy, who was upon higher ground, we were met by a fire of grape and musketry that was terrific, but fortunately passing above our heads. We halted and opened a fire of musketry upon them, which, although continuing only a few minutes, killed and wounded not less than

eight hundred of the enemy. Lieutenant-Colonel Gordon of the Third, having been wounded, ordered the regiment to fall back under cover of the hill. I rallied it at about one hundred yards, and placed it in command of Colonel Cheairs. The Eighteenth and Thirty-second fell back a short distance, and just then being reinforced by the Fourteenth Mississippi, we were renewing the attack, when the enemy left the field, leaving his dead and wounded. While we were engaged, the gallant Graves came in full speed to our assistance, with a part of his battery, and maintained his position until the enemy retired. Our loss in this engagement did not exceed fifty in killed and wounded. But the brave and accomplished Lieutenant-Colonel Moore, of the Thirty-second Tennessee regiment, fell mortally wounded, while aiding his no less worthy commander in cheering his men to the charge. Just as the enemy left the field, entirely opening the Wynn's ferry road, my command was ordered by Brigadier-General Pillow, repeated by Brigadier-General Floyd, to return at once to its position on the right of our line of defences. My men had scarcely deployed in the rifle-pits, when I was ordered to reinforce Colonel Hanson on the extreme right, whose works had been stormed and taken by the enemy before he had reoccupied them. An obstinate fire was maintained until dark, but we held the ground to which Colonel Hanson had retired, although opposed by a superior force of fresh troops. Captains Porter and Graves did efficient service in their engagement with their batteries—indeed, they excited the admiration of the whole command, by an exhibition of coolness and bravery, under a heavy fire, (from which they had no protection,) which could not be excelled. Captain Porter fell, dangerously wounded by a Minié ball through his thigh, while working one of his guns—his gunners being, nearly all of them, disabled or killed. The command then devolved upon Lieutenant Morton, a beardless youth, who stepped forward like an old veteran, and nobly did he emulate the example of his brave captain.

Fatigue parties were employed until two o'clock Sunday morning strengthening our position, when an order reached me to spike the guns on my line and march my command toward the left as on Saturday morning. The order was instantly executed, but before the column had proceeded one mile I was directed to countermarch and reoccupy the works, and display flags of truce from the front of our works. At nine o'clock the same morning the command was surrendered.

My command was so much worn and exhausted from incessant labor and watching during the entire week—exposure to intense cold, as well as from the fatigues of the battle on the preceding day, as to be wholly unable to meet any spirited attack from the enemy on Sunday morning. Our ammunition, both for artillery and small arms, was well-nigh exhausted.

It might do injustice to others to particularize many instances of daring and bravery among officers and men. With but few exceptions, they all

deserve the highest praise for the determined and gallant spirit with which they bore themselves under their first exposure to fire.

My killed amount to thirty-eight; my wounded amount to two hundred and forty-four.

For details, reference is made to the report of regimental commanders, marked respectively A, B, C, D, and E.

I have the honor to be, sir, very respectfully,
your obedient servant,

JOHN C. BROWN,

Colonel Third Tennessee Regiment, commanding Third Brigade.
February 16, 1862.

REPORT OF MAJOR N. F. CHEAIRE.

FORT WARREN, BOSTON HARBOR, }
MASSACHUSETTS, March 10, 1862. }

To Colonel John C. Brown, Commanding Third Brigade, Second Division, Central Army of Kentucky, U.S.A.:

The Third Tennessee regiment of volunteers arrived at Fort Donelson on the night of the eighth of February, 1862, with an aggregate, reported for duty, of seven hundred and fifty men. On the day after reaching Donelson the whole regiment was employed in the preparation of works of defence—rifle-pits, trenches, etc., at which both men and officers continued night and day, until the evening of the twelfth, at which time a skirmish took place with the Federals about a mile or a mile and a half in advance of our trenches, by a company of the Eighteenth Tennessee regiment, who had been sent out on picket-duty. Immediately after the return of said company to the trenches, General Buckner's division, which occupied the right of the whole line of our defence, was arranged in order of battle for the general engagement which ensued. The Third Tennessee regiment occupied the fourth position from the right, and five companies were deployed in the rifle-pits and five held in reserve, commanded by myself, with orders to sustain the companies deployed in the pits, under the command of Lieutenant-Colonel S. M. Gordon, and to support Porter's artillery on my right, as circumstances might require. Such was the position held by the Third Tennessee regiment until the morning of the fifteenth February. At about four o'clock of said morning, the Third Tennessee regiment was ordered to be put in motion and march in the direction of our left wing, with knapsacks, haversacks, and three days' rations, with whatever else that could be conveniently carried. This order was immediately executed, and the regiment marched out beyond and to the right of Dover, where it was halted and ordered to deploy as skirmishers in the rifle-pits, and to the left of the Fourteenth Mississippi and Eighteenth Tennessee, at about half-past eight or nine o'clock in the morning. The Fourteenth Mississippi and Third Tennessee were ordered by Colonel Brown (General Buckner also being present) to attack one of the enemy's batteries, located some three or four hundred yards in front of our trenches, and, from their position, were firing heavily upon us. This battery was supported by several regiments of infantry. We succeeded (after a hot contest of

about three quarters of an hour) in driving the enemy back, and occupied their position until ordered back to the trenches by Major Cassaday, of General Buckner's staff. The Third, Eighteenth, and Thirty-second Tennessee regiments were ordered across the trenches to attack another one of the enemy's batteries, supported by a heavy column of infantry, located on or near the Wynn's ferry road, and much farther from our works. The Third Tennessee was on the left, the Eighteenth in the centre, and the Thirty-second on the right, in the arrangement for the attack. The trenches were soon crossed, and the battalions formed in double column, and marched in the direction of the battery. When within about one hundred and fifty yards of it, it opened upon us with grape and canister, and seconded by the infantry. Lieutenant-Colonel Gordon being in command of the Third regiment, ordered it to lie down. In a few seconds he was wounded, and by some unfortunate order being given just at that time, which the regiment took for retreat, and thereupon did retreat some hundred or hundred and fifty yards, when they were rallied by Colonel Brown, and re-formed in line of battle. General Buckner being present, and discovering the enemy had also fallen back, ordered me, as next in command to Lieutenant-Colonel Gordon, (he having retired from the field,) to take the Third Tennessee regiment back to the trenches, which order I obeyed. On arriving at the trenches, I met with General Pillow, who ordered me (after ascertaining that I was in command) to take the Third Tennessee regiment back to the position we had occupied on the right wing, and the one we had left at about four o'clock in the morning. I immediately formed the regiment and executed the order. A few minutes after reaching our original position, an attack was made upon Colonel Hanson, the Second Kentucky regiment's trenches, by the enemy in strong force. Colonel Hanson not having more than one or two companies in position, fell back upon the Eighteenth Tennessee, (Colonel Palmer,) and I was ordered to bring up the Third Tennessee to support the Second Kentucky and Eighteenth Tennessee, which order was executed at the shortest possible notice, and, in justice to the officers and soldiers, must say that they bore themselves most gallantly, notwithstanding they were completely or nearly so worn down by incessant fighting and fatigue duty. For eight consecutive days we succeeded in driving back the enemy, although they had fresh and we had exhausted troops. Lieutenant-Colonel Gordon was in command of the regiment from the time we arrived at Donelson, on the night of the eighth, until about one o'clock p.m., on the fifteenth, when he was wounded and retired from the field. I was then in command until the surrender, which was at six o'clock, Sunday morning, February sixteenth, 1862.

For a detailed account of the killed and wounded of the Third Tennessee regiment, during the entire fight at Donelson, I refer you to the subjoined paper, marked A.

Killed, twelve; wounded, seventy-six.

The foregoing report of the conduct and actions of the Third Tennessee regiment, and of its casualties at Fort Donelson, I have the honor to submit to you. Very respectfully,

N. F. CHERRIES,

Major Commanding Third Tennessee Regiment.

REPORT OF COLONEL JOSEPH B. PALMER.

FORT WARREN, BOSTON HARBOR,
MASSACHUSETTS, March 7, 1862.

*To Colonel John C. Brown, Commanding Third
Brigade, Second Division, Central Army of
Kentucky, C. S. A.*

The Eighteenth regiment of Tennessee volunteers arrived at Fort Donelson on the eighth of February, 1862, with an aggregate reported for duty of six hundred and eighty-five, (685,) and these encamped mainly without tents or other protection from the weather, and with scarcely any cooking utensils, until the surrender of the forces at that point on the sixteenth day of the same month.

On the day after reaching Donelson, the whole regiment was employed in the preparation of works of defence—rifle-pits, trenches, etc., at which both men and officers continued without relief or rest, night and day, until the twelfth. Early in the forenoon of that day, pursuant to orders from brigade headquarters, I ordered out company C, commanded by Captain W. R. Butler, on picket service, with the usual instructions. They went in the direction of the enemy's lines, about one and a half miles, and took position, when suddenly they discovered several thousand Federal troops advancing toward our encampment. Captain Butler, thus finding his position greatly exposed, conducted a prudent and skilful retreat, gradually falling back, so as to keep the enemy under constant observation—finally fired upon them and came within my encampment, submitting a report of this intelligence, which I immediately communicated to you and General Buckner in person. General Buckner's division, which occupied the right of the whole line of our defence, was therefore arranged in order of battle for the general engagement which ensued. The Second Kentucky (Colonel Hanson's) was first, and my regiment second on the right. I deployed companies A, B, and G, (Captains Rushing, Joyner, and McWhirter,) in the rifle-pits immediately in my front, placing them in command of Major S. W. Davis. The other companies were formed in double column first in rear of the former, in charge of myself and Lieutenant-Colonel A. G. Carden, with orders from General Buckner to sustain the line covered by my deployment—to support Porter's artillery on my left, or reinforce Colonel Hanson on my right, as circumstances might require. Such was the position held by me until the morning of the fifteenth February. I had occasion, however, on the thirteenth, to despatch companies E and K, (Captains Lorre and Bandy,) to reinforce Colonel Hanson, upon whom the enemy was opening a considerable fire, but, after a very spirited en-

gagement, the attack was repulsed. I had occasion also on the fourteenth to send the balance of my reserve, (Captains Webb, Wood, Putnam, Butler, and Lieutenant John's companies,) to reinforce the right, where it was expected the enemy would, on that day, make a desperate attack, simultaneously with a fire on the Fort from their gunboats. But owing probably to a failure of success in the latter, no further than the general fire was made upon us at that time. On Saturday morning, fifteenth February, at about two and a half or three o'clock, I received orders from brigade headquarters to put my whole command in motion, and to march in the direction of our left wing, with knapsacks, haversacks provided with three days' rations, and whatever else men and officers could carry—sending all my wagons, except enough for the transportation of ordnance stores, across Cumberland River. I proceeded immediately to execute this order, and marched out beyond and to the right of Dover, where I was ordered to halt and take position in a general line of battle, on the right of the Third Tennessee regiment. Very soon afterward the Fourteenth Mississippi and Third Tennessee were ordered by Colonel Brown (General Buckner also being present) to attack one of the enemy's batteries, just in our front, and about three hundred yards beyond the trenches, which, from their position, were firing heavily upon us. This battery was supported by several regiments of infantry, which, in connection with it, turned a terrible fire on the two regiments just named, against which they fought gallantly and bravely, thus making a severe engagement, which, having continued for some considerable time, I was ordered across the trenches to their support, and reached there just about the time the enemy abandoned their position and yielded the ground. Under the order of Major Cassaday, I returned to my former position, in connection with the other two regiments, in the general line of battle. The Third Tennessee, Thirty-second and Eighteenth Tennessee, were then ordered across the trenches to attack another one of the enemy's batteries, located on or near the Wynn's ferry road, and much further beyond our works. Colonel Cook's regiment was on the right, my own in the centre, and Colonel Brown's on the left, in the arrangement for this attack. The trenches were soon crossed, the battalions formed in double column, and we marched on to the supposed position of the battery, Colonel Cook being in advance of my regiment, with skirmishers in his front. We found some, I may say much, embarrassment in having insufficient information in regard to the enemy's location, as we could only judge in reference to that by the smoke and reports of pieces lately heard and seen in that direction. We found also very considerable difficulty in marching in the requisite order, owing to the timber and denseness of the undergrowth, on which the snow was thickly depositing and melting somewhat rapidly.

We advanced forward, however, in quick time, until, nearing the enemy, we halted for the pur-

pose of gaining, if possible, some more definite idea of his position, the skirmishers having rallied on their battalion without (as I learned from Colonel Cook) being able to furnish very definite information. Colonel Cook and myself advanced a few paces beyond our commands, for the purpose of taking such observations as would enable us to direct the movements of our regiments to the best possible advantage. We discovered portions of the enemy's baggage at the distance of about one hundred yards, just over the point of a hill in our front. Being thus better satisfied of their position, and that an engagement must immediately occur, we accordingly deployed as rapidly as possible in line of battle, my right resting on Colonel Cook's left, and the Third Tennessee on my left. The enemy opened a terrific fire upon us about the time, or before we had fairly executed the deployment. The force against us consisted of one battery, supported by six infantry regiments, all of which ultimately engaged in the fight. I ordered my entire command to fire and load kneeling, as in that position the main body of the enemy's fire would and did pass over us.

The officers and men under me, on this occasion, evinced great coolness, bravery, and determination for success in this most unequal contest. They directed their fire with unusual accuracy, which told desperately and rapidly upon the enemy, who, under its terrible effect and force, gave ground, while we advanced upon them about twenty paces. A further advance would have lost, on our part, an advantage in position, by which we had been very considerably benefited. And although the enemy continued their retreat until they had gone beyond the reach of our guns, it was not deemed consistent with the orders for the movements of our whole army on that day, as made known on the previous night from Generals Floyd, Pillow, and Buckner, to myself and other commanders of regiments, to pursue the several forces any further in that direction. Besides this, many of my arms (flint-lock muskets,) by coming in contact with the melting snow, had become too inefficient for further use until they could be dried and put in proper order. My ordnance-wagons were more than a half-mile distant, and the men only had a few rounds of ammunition each remaining in their boxes. I marched my regiment, therefore, back to a better position, a distance of, say one hundred and fifty paces, ordered the men to put their pieces in order, by drying them as rapidly as possible, sent for an additional supply of ammunition, made details to have my wounded taken from the field and properly cared for, and threw out a small number of skirmishers, in connection with Colonel Cook, to notice the movements and position of the enemy, who reported that he had gone back beyond the Wynn's ferry road, and could not be seen at all from the position of our late engagement.

I was informed on the afternoon of the fourteenth of February, and again at a late hour of that night, by General Buckner and Colonel

Brown, that for the reasons given at the time, (not material here to recite,) the Generals in command had determined to evacuate Donelson, and move the whole of our troops to Nashville, or in that direction, and orders were given me by Colonel Brown to prepare my command accordingly, with rations, etc., for the march. I was further informed that, to execute this purpose, our whole army would, at an early hour on the morning of the fifteenth, move upon the right wing of the Federal lines, cut our way through, and march out in the direction stated. The whole of the enemy's right having been driven back, thus, I was informed, removing all further difficulty in the way of executing our purpose. I was every moment expecting to receive orders to march my regiment, together with the balance of our troops, in the direction of Nashville. But before I could get all of my dead and wounded from the field, and have them provided for and disposed of, an order came to me, said at the time to come from General Pillow, to move my command immediately back to the position from which I started on that morning, and which I had been holding for several days. I accordingly returned to my trenches. In a very few minutes after I reached my position, and before Colonel Hanson (just to my right) had gained his trenches, several Federal regiments, under command of General C. F. Smith, commenced their attack, and took possession of a part of Colonel Hanson's unoccupied works. Unable, under these circumstances, and against such remarkable odds, to drive back the attacking regiments, Colonel Hanson immediately fell back with his command on my line, where, reinforced by the Fourteenth Mississippi, the Third, Forty-first, Forty-ninth Tennessee, and parts of other commands, a long and desperate struggle ensued, closing at sunset with a decided and brilliant victory to our arms—the fight having lasted for at least two hours. The losses of the enemy in all the engagements above referred to, as ascertained by subsequent visits to their grounds, were indeed very great, exceeding ours, both in killed and wounded, I must say, in any moderate estimate, at least seven to one.

Besides the conflicts already named in this report, the Federal forces made several attempts upon my works, but were in every instance gallantly met, and signally repulsed.

On the night of the fifteenth the whole of my command, except the detail made to continue the work of strengthening and extending our breast-works, stood to their arms, constantly expecting a renewal of engagements, until about two o'clock of the following morning. At this hour I received orders from brigade headquarters to move my regiment as rapidly as possible to Dover, a distance of one and a half miles, where, I was informed, further orders would be given me. It was, however, well understood among all parties that the object of the march was to evacuate our entire position. I reached Dover some time before daylight, and reported to Generals Floyd, Pillow, and Buckner, all of whom were still there, and who ordered me to halt and await further

directions. A messenger from Colonel Brown's headquarters soon came, ordering me back to my trenches, and, on returning to my quarters, found that General Buckner's whole command had been surrendered. This was my first notice of that fact, and was thus received on Sunday morning at half-past five o'clock.

Throughout the period covered by this report, the men and officers of my command underwent an astonishing amount of hard labor and toil—suffering greatly from the want of rest, from terrible exposure and fatigue, and in the absence of nearly all the comforts even of camp-life. But every demand upon their strength and energy was promptly met. Every order was unhesitatingly obeyed, and every hardship and suffering bravely and patiently endured, evincing a glorious spirit of self-sacrifice and determination, now mentioned alike in simple justice to them, and with the utmost pride and satisfaction to myself. On the field my entire field and staff, company officers and men, (with scarcely a noticeable exception,) bore themselves nobly and gallantly, displaying, on every occasion, a dauntless courage and patriotism, alike deserving the praises of their chivalrous State and the approval of a glorious country.

Many officers and men of my command are justly entitled to the merit of personal honor and distinction. Lieutenant W. W. Smith, of company C, shot and killed instantly on the field, fell covered with glory in the gallant discharge of his duties, as did the other lamented dead and wounded of my regiment. With a very grateful recollection of my whole command for their soldierly and manly demeanor throughout our whole campaign, I cannot close this report without submitting with it acknowledgments for valuable services and kind offices done me by Lieutenants Nat. Gooch, of company C, and John M. Douglass, of company G, who are also very justly entitled to all I have heretofore stated on behalf of other officers.

Owing to the sudden and unexpected separation from my company officers, I am unable to submit with this report the names of the killed and wounded of my regiment, and can, therefore, only state them in the aggregate: There were killed on the field, four; mortally wounded, six; (supposed) not mortally, thirty-eight; missing, four; total, fifty-two.

The foregoing report of the conduct and action of my regiment, and of its casualties at Fort Donelson, I have on this day the honor to submit to you. Very respectfully,

JOSEPH B. PALMER,

Colonel Commanding Eighteenth Tennessee Regiment.

REPORT OF COL. EDWARD Q. COOK.

FORT DONELSON, STEWART CO., TENN.,
February 16, 1862.

*Col. John C. Brown, Colonel Commanding Third
Brigade, Second Division, Central Army,
Kentucky:*

The Thirty-second Tennessee regiment reached Fort Donelson on the night of the tenth instant, with five hundred and fifty-five men, rank and

file, many of the regiment having been left sick at Russellville, Kentucky, many at Bowling Green, Kentucky, and some on furlough sick at home. We were placed on the left of General Buckner's division. The entire regiment was employed making intrenchments till the same were finished. The enemy began to fire upon us with artillery and sharpshooters as early as Tuesday evening, the eleventh.

The weather was extremely cold, and being kept continually at labor and on duty, we suffered much from exposure. The regiment, although held in readiness at every moment, was not engaged in actual fight until Saturday, the fifteenth. On Friday night we were ordered to have cooked rations for three days, and with knapsacks packed, to be ready to march at four o'clock next morning. I then learned that it had been determined by the Generals in council at that hour, to march to the extreme left of our intrenchments, attack the enemy's right wing, and turn it, and, if we succeeded, to march for Nashville. The next morning at four o'clock, our brigade marched to the left of our intrenchments. Just as we were approaching the extreme left of our intrenchments, General Buckner ordered me to place my regiment in column of division under cover of the hill in the rear of Green's battery, and to sustain it. We remained here until about ten o'clock A.M., when General Pillow ordered me to move my regiment to the right, and to cross the intrenchments and attack a battery of the enemy, which was then firing at us, and seemed to be situated some eight hundred yards from our intrenchments. Just as we were marching across the intrenchments, General Buckner and Colonel Brown came up; and upon learning the order General Pillow had given, General Buckner ordered me to proceed to attack the battery, and ordered Colonel Palmer, with his regiment, to sustain me. I forwarded the regiment, crossed the intrenchments, threw out two companies as skirmishers, and moved forward the regiment in the direction of the enemy's battery. The skirmishers very soon engaged the enemy's skirmishers, drove them back, killing some, taking five prisoners, and capturing some five Minié muskets.

We moved forward through woods with thick undergrowth; the bushes were covered with snow, which was melting slowly, and it was very difficult to move forward. We had advanced within seventy-five or a hundred yards of the enemy, and he had opened fire upon us with his battery, when Colonel Brown rode up, and ordered me to move my regiment to the right, and attack the battery at this point. The bushes were very thick, and we could with great difficulty move forward. Our skirmishers fired upon the enemy, and rallied upon the battalion. I immediately ordered the regiment to kneel and fire, and to load and fire kneeling. The fire began. Colonel Palmer, on my left, immediately opened fire from his regiment. The firing was kept up rapidly. The regiment all the while slowly but gradually moved forward. We were

protected by cover of the timber and hill from the enemy's shot. Lieutenant-Colonel W. P. Moore fell very early in the action, wounded in the right knee, and was carried from the field to the hospital. This left me with no field-officer to aid me, Major Brownlow having been left sick at Russellville—Adjutant Jones being on duty part of the day, but was not with the regiment in the engagement. I soon discovered many of the muskets failed to fire, the priming being wet, (the most of the regiment being armed with inferior flint-lock muskets.) After a while the left wing of the regiment began to fall back slowly, and then the right wing, in good order; and being satisfied the condition of many of the guns, in order to do execution, must be wiped and dried, and, knowing that the regiment, after falling back a short distance, would be entirely protected from the enemy's shot, I determined to let them fall back. After they fell back about one hundred yards I halted the regiment, and ordered the men to wipe and dry their guns. Upon inquiry as to why they fell back, the officers informed me they heard an order "to fall back," and believed it came from proper authority. After the guns were cleaned, I threw out two companies of skirmishers, who proceeded as far as the "Wynn's ferry road," in which was placed the enemy's battery, when we attacked, and the skirmishers returned, and reported that the enemy had retired beyond the road, and could not be seen. After waiting some time and receiving no orders, Colonel Palmer and I, after consultation, determined to march our regiments back to the intrenchments where we had crossed, and where my regiment had left their knapsacks. When we reached the intrenchments, Major Cosby gave me an order from General Buckner to march my regiment immediately back to the intrenchments we had left in the morning. At this moment we felt satisfied that the Wynn's ferry road was clear, and the way to Nashville open; "that fortune had smiled upon us, and that we ought to prove to her we were worthy of her favors." We marched rapidly back to our intrenchments, and took position in them. In a few minutes the enemy appeared in large force in front of us, and threatened to attack us until night came on. Early at night I received orders to have three days' cooked rations prepared, and with knapsacks packed, to be ready to march at four o'clock next morning. At the appointed hour we marched out for Dover, and before we reached Dover we were ordered to return to our intrenchments, and learned that capitulation for a surrender was going on. It gives me pleasure to state that the officers and privates of the regiment, although jaded from labor and exposure, at all times exhibited great willingness to obey, and anxiety to promptly execute all orders. In battle they behaved coolly and courageously, and not one of the regiment ever left the line or his post of duty. The morale of the regiment was not corrupted or destroyed, and even after it was known we were surrendered, we had not a single straggler from the regiment.

During the engagement on the fifteenth, we lost in killed and had wounded in company A, commanded by Captain Willis Worley, one killed, three wounded, whose names I cannot give, as I have no report from company A. I hereto attach a list of the other companies of the regiment, giving the names, number engaged, and the killed, wounded, and missing. At the earliest moment it can be obtained, I will forward a list of company A, to be made a part of the exhibit hereto.

Our gallant Colonel Moore died from the wound he received. The regiment, as well as all who knew him, deeply mourn his death.

The Surgeon, James F. Grant, Quartermaster John T. Shephard, Commissary E. Shields Wilson, Quartermaster Sergeant James P. Campbell, were all at their post and did their full duty. Captain John D. Clark, a drill-master, was on duty during the entire week, and in the engagement of the fifteenth. Captain D. C. Sims, a drill-master, assigned to my regiment, was on duty a portion of the week, but not in the engagement of the fifteenth, being reported sick.

Recapitulation.—Number of regiment, rank and file, at Fort Donelson, five hundred and fifty-five; number of regiment at Donelson, not engaged on Saturday, twenty-one; number of regiment, at Donelson, engaged on Saturday, five hundred and thirty-four; number of regiment killed, three; number of regiment wounded and surrendered, fifteen; number of regiment wounded and not surrendered, twenty-one; number of regiment missing, one; number of regiment escaped, one; number of regiment wounded, thirty-six; number of regiment surrendered, five hundred and twenty-eight.

Respectfully,

Ed. C. Cook,

Colonel Thirty-second Tennessee Regiment,
FORT WARREN, July 30, 1862.

REPORT OF MAJOR W. L. DOSS.

To Colonel John C. Brown, Commanding First Brigade, General Buckner's Division:

SIR: I have the honor to report the following operations of the Fourteenth regiment Mississippi volunteers, during the engagement at Fort Donelson, ending on the fifteenth February, 1862.

On the morning of the fifteenth of February, at three o'clock A.M., I received orders to have my regiment in readiness to move in two hours. About daylight we took up line of march in the direction of our left wing. It was with great difficulty that we progressed, owing to the country, which was hilly or mountainous, and covered with snow and ice.

During our march shells were constantly falling around us, without doing us any damage, until we halted in rear of the intrenchments, where I formed the regiment in close column by company. We were protected to some extent from the shells of the enemy by forming on the hill-side, which was thickly set with undergrowth. At this place Captain J. L. Crigler, of company G, was severely wounded in the right arm, by the explosion of a shell, and was unable to proceed farther with his company.

I received orders to deploy two companies as skirmishers, and soon after the battalion was ordered to dislodge a battery in position, apparently about four hundred yards to our front. The regiment moved off by the right flank, until it reached our intrenchments, when it advanced in line of battle. We very soon came to a small field, containing about ten or fifteen acres, where our march was somewhat impeded by an abatis made by the enemy. At this point we were fired upon by their skirmishers. I ordered the battalion not to return the fire. The right wing of the battalion was faced to the right, and marched up the hill some distance under a heavy fire; then faced to the front, and ordered to open fire upon the enemy. In the mean time the left wing had marched through a gap in the abatis, faced to the right and rejoined the four right companies, when a general engagement ensued. At this point Captain F. M. Rogers, of company E, fell, gallantly cheering his men on. The engagement at this point continued for about an hour or more; the men displaying great coolness and bravery, and the officers great gallantry. The regiment suffered severely at this point, and was ordered to retreat by Major Cassady, who had been appointed by General Buckner to assist me, (Colonel Baldwin being in command of a brigade on the extreme left.) After falling back some two hundred yards, I endeavored to rally the regiment on the Eighteenth Tennessee regiment, but Major Cassady insisted and gave the order to the regiment to fall back to the intrenchments, which was done. After remaining there about one hour, we were again ordered out by General Buckner to support a section of Captain Graves's battery. We marched down the Wynn's ferry road about one mile, and halted on the top of a hill by General Buckner, when the enemy's battery opened a galling fire of shot and shell upon us. It was soon ascertained that Captain Graves's battery could do but little good there, and was ordered back, (I think by General Pillow,) whereupon my regiment was ordered to take its original position on the right. Upon our arrival there we found that the enemy were in possession of the intrenchments on the extreme right, which had been occupied by the Second Kentucky regiment, and which was then engaged with the enemy to regain their original position.

My regiment was immediately ordered to their support, and on arriving there we found the enemy advancing upon us in considerable numbers, when we were ordered to open fire upon them, which was kept up from about three o'clock until about dark, when the enemy retired. The men slept upon their arms during the night. About one o'clock I received your order to have my regiment ready to march in an hour, which order was countermanded about daylight.

Respectfully submitted,

W. L. Doss,

Major Commanding Fourteenth Regiment Mississippi Volunteers.

REPORT OF COLONEL A. HEIMAN.

RICHMOND, August 9, 1862.

Major G. B. Cosby, A. A. General:

SIR: My imprisonment since the surrender of the troops at Fort Donelson, prevented me from reporting the operations of the brigade under my command during the action at Fort Donelson before now. In the absence of General Pillow, who commanded the division to which my brigade was attached, it becomes my duty, and I have the honor to submit to you the following report:

After the battle of Fort Henry, on the sixth of February last, I was directed by General Tilghman, then in command of the defences of the Tennessee and Cumberland Rivers, to retreat with the garrison of the Fort by the upper road to Fort Donelson. The garrison consisted, besides the company of artillery which was surrendered with the Fort, of two brigades, the first commanded by myself, and the second by Colonel Drake, consisting of an aggregate of about two thousand six hundred men. After a very tedious march, we reached Fort Donelson at twelve o'clock at night, where Colonel Head, of the Thirtieth Tennessee, was in command during the absence of General Tilghman. Expecting the arrival of B. R. Johnson and other general officers in a few days, I did not assume command, which would have been my duty, being next in command to General Tilghman.

General Johnson arrived on the eighth, General Pillow on the ninth, General Buckner on the twelfth, and General Floyd on the thirteenth of February.

The brigade assigned to my command consisted of the Tenth Tennessee, Lieutenant-Colonel McGavock, Forty-second Tennessee, Colonel Quarles, Forty-eighth Tennessee, Colonel Voorhies, Fifty-third Tennessee, Colonel Abernathy, Twenty-seventh Alabama, Colonel Hughes, and Captain Maney's light battery, amounting in all to an aggregate of about one thousand six hundred (1600) men.

This brigade formed the right of General Pillow's division, and was in line on the left of the division of General Buckner, who commanded the right wing.

The ground I occupied in line of defence was a hill somewhat in the shape of a V, with the apex at the angle, which was the advance point as well as the centre of my command, and nearly the centre of the whole line of defence. From this point the ground descended abruptly on each side to a valley. The valley on my right was about five hundred yards in width, and divided my command from General Buckner's left wing. The one on my left was about half that width, and run between my left wing and the brigade commanded by Colonel Drake. These two valleys united about a half a mile in the rear. The ground in front of my line (two thousand six hundred feet in length) was sloping down to a ravine, and was heavily timbered.

We commenced to dig rifle-pits and felling abatis on the eleventh, and continued this work during the following night, under the directions

of Major Gilmer and Lieutenant Morris, Engineers, the latter belonging to General Tilghman's staff. The pits were occupied by Lieutenant-Colonel McGavock's regiment on the right, Colonel Voorhies's regiment on the left, Colonels Abernathy's and Hughes's regiments and Maney's battery in the centre. Colonel Quarles's regiment I held in reserve, but several of his companies also had to occupy the pits, the other regiments not being sufficient to cover the whole line. Colonel Head, Thirtieth Tennessee regiment, occupied the valley between my command and Colonel Drake's brigade. I was afterward informed that this regiment also was placed under my command, but the Colonel not having reported to me, I did not know it.

In the mean time the enemy commenced forming his line of investment, and his pickets were seen in every direction. Early on the morning of the twelfth he had two batteries placed in range of my position, one on my left and front, and the other on the other side of the valley on my right. Both were in the edge of the woods and under cover, while Captain Maney's battery on the summit of the hill was entirely exposed, not only to the enemy's artillery, but also to their sharp-shooters. No time could yet have been spared to protect his guns by a parapet; besides, we were ill provided with tools for that purpose. However, our battery had some advantage over the battery on my left in altitude, and had also a full range of a large and nearly level field to the left, which the enemy had to cross to attack Colonel Drake's position, or my own from that direction. In that respect and some other points the position of my battery was superb. The enemy's battery on my right had only range of part of my right wing, but was in a better position to operate on General Buckner's left wing. Both batteries opened fire at seven o'clock in the morning, and kept it up until five o'clock in the evening, firing at any position on our line within their range. Their fire was returned by Maney's battery, Graves's battery of Colonel Brown's command, and a battery at Colonel Drake's position. The enemy's guns were nearly all rifled, which gave them a great advantage in range and otherwise. However, with the exception of the loss of two artillery horses, my command met with no other serious casualties on that day. At night I strengthened my pickets and directed Lieutenant-Colonel McGavock to throw a strong picket across the valley on my right. There were no rifle-pits or any other defences in that valley, although a road leading from Dover to Paris Landing on the Tennessee River runs through it. Colonel Cook, of Colonel Brown's brigade, cooperated with Lieutenant-Colonel McGavock in guarding this point afterward. Strong parties were kept at work during the whole night in improving the rifle-pits and felling abatis.

Daylight next morning (thirteenth) showed that the enemy was not idle either. During the night he placed another battery in position on my left, and the one on my right he had consid-

erably advanced, to get a better range on my right and centre, and on Captain Graves's battery. He had also thrown across the main valley two lines of infantry, (advance and rear,) about three quarters of a mile from our line, and the firing of all his batteries was resumed early in the morning, and was promptly answered by our batteries. One of our gunners had both his hands shot off while in the act of inserting the friction primer.

At about eleven o'clock my pickets came in, informing me of the advance of a large column of the enemy. Having myself been convinced of that fact, and finding that they were deploying their columns in the woods in front of my right and centre, I directed Captain Maney to shell the woods, and use grape and canister when they came within the proper range, which was promptly executed. Captain Graves seeing the enemy advancing upon my line, with excellent judgment, opened his battery upon them across the valley. In the mean time, their sharp-shooters had approached my line through the woods, fired their Minié rifles from behind the trees, killing and wounding Maney's gunners in quick succession. First Lieutenant Burns was one of the first who fell. Second Lieutenant Massey was also mortally wounded, but the gallant Maney, with the balance of his men, stood by their guns like true heroes, and kept firing into their lines, which steadily advanced within forty yards of our rifle-pits, determined to force my right wing and centre. Now the firing commenced from the whole line of rifle-pits in quick succession. This constant roar of musketry, from both lines, was kept up for about fifteen minutes, when the enemy were repulsed, but they were rallied, and vigorously attacked us the second and third times, but with the same result, and they finally retired. They could not stand our galling fire. The dry leaves on the ground were set on fire by our batteries, and I regret to state that several of their wounded perished in the flames. The pickets I sent out after their retreat, brought in about sixty muskets and other equipments they had left behind. I learned from two prisoners who were brought in, that the attack was made by the Seventeenth, Forty-eighth, and Fortyninth Illinois regiments, and have since learned from their own report that they lost in that attack forty killed and two hundred wounded. Our loss I cannot accurately state, nor am I able to give the names of killed and wounded, as subsequent events prevented me from getting reports of the different commanders; but I am sure that my loss is not over ten killed and about thirty wounded, nearly all belonging to Captain Maney's artillery and Colonel Abernathy's regiment, which was at that time under the command of Lieutenant-Colonel Winston. The firing from their batteries continued all day. Late in the evening, General Pillow reinforced me with a section of a light battery under Captain Parker. The night was unusually cold and disagreeable. Snow and sleet fell during the whole night; nevertheless, we constructed a formidable parapet

in front of the battery, in which I was actively assisted by Major Grace, of the Tenth Tennessee. This hard and most unpleasant labor was chiefly performed by Colonel Quarles's regiment. It was a horrible night, and the troops suffered dreadfully, being without blankets.

Next day, (fourteenth,) finding the enemy again in life across the valley, and believing that he would attempt to force my line on my right, I directed Captain Maney to move a section of his battery down the hill in range of the valley. The advance of the enemy toward this direction would then have been checked by Graves's and Maney's batteries, and the fires of McGavock's and Cook's regiments, from the right and left; but no demonstration was made in that direction, although I considered it the weakest point in our line.

During the whole day my command was exposed to a cross-fire of the enemy's batteries, and were much annoyed by their sharpshooters. At eleven o'clock at night I was summoned to attend a consultation of general officers at General Floyd's headquarters.

The general opinion prevailed that the place could not be held against at least treble the number of our forces, besides their gunboats, and that they could cut off our communication at any time and force a surrender, therefore it was agreed to attack the enemy's right wing in force at four o'clock in the morning, and then to act according to circumstances, either to continue the fight or to cut through their lines and retreat toward Nashville.

General Buckner was to move a little later and attack the enemy's flank at the moment he was to give way to our forces in his front. I was directed to hold my position. Colonel Bailey was to remain in the Fort, (near the river,) and Head's regiment was to occupy the vacated rifle-pits of General Buckner's command. I doubted very much that these positions, isolated as they were from each other, could be held if attacked, and I stated my fears to General Floyd, who replied, if pressed, to fall back on the Fort, or act as circumstances would dictate. At the appointed hour on the fifteenth, the different brigades moved to their assigned positions.

Major Rice, Aid-de-Camp to General Pillow, brought an order to me from General Buckner, to send a regiment forward, and hold the Wynn's ferry road until the arrival of General Buckner's division. This duty I assigned to Colonel Quarles's regiment, who returned after the fulfillment of this order. Major Cunningham, Chief of Artillery, directed by General Floyd, reported to me that two light batteries were at my disposal. Having more guns than I could use to an advantage, and not a sufficient number of gunners to work them, I respectfully declined the offer, but requested him to send me efficient gunners for at least one battery. This was done. Major Cunningham came with them and remained with me for some time. During the day my guns were used to the best advantage, and at one time with excellent effect against the enemy's

cavalry, who immediately after were pursued by Forrest's cavalry.

About noon I was directed by an Aid-de-Camp of General Buckner to guard the fire of my battery, as he intended to send a column to charge one of the enemy's batteries. Seeing these regiments pass my left in the open field, and being aware that my left wing could not be attacked at that time, I sent two regiments from my left, (Colonel Voorhies and Colonel Hughes,) to their support, but before they could reach the ground, the three attacking regiments were withdrawn. The battery was not taken, and my regiments returned. Early in the evening the different troops were ordered back to their respective rifle-pits, but the fighting continued at different points until night. At two o'clock in the morning of the sixteenth, Lieutenant Morman, Aid-de-Camp to General Johnson, brought the order to vacate the rifle-pits without the least noise, and to follow the movement of the troops on my left, starting at the same time that it was the intention to fight through their lines before the break of day. All the forces were concentrated near Dover, under the command of General Johnson. In the mean time white flags were placed on the works of our former lines, and by the time the sun rose above the horizon, our forces were surrendered.

Much credit is due to Captains Maney and Parker, of the artillery, for their gallant conduct during the action, as well as to many other officers and men, whom, in the absence of reports from their respective commanders, I am unable to particularize, but it gives me great pleasure to state, that with very few exceptions, they all have done their duty like brave and gallant soldiers.

To Captain Leslie Ellis, Acting Assistant Adjutant-General, and my Aid-de-Camp, Captain Bolen, I am particularly indebted for their untiring exertions in assisting me in the performance of my duties.

Very respectfully,

Your obedient servant,

A. HEIMAN,
Colonel Commanding Brigade.

REPORT OF THE FORTY-SECOND TENNESSEE REGIMENT,

COLUMBIAN HOTEL, RICHMOND, VIRGINIA, }
August 11, 1862.

To Brigadier-General Buckner:

SIR: The Forty-second Tennessee regiment, Colonel Quarles, was quartered at Clarksville, Tennessee, and on Wednesday, the twelfth of February, received orders from Brigadier-General Pillow to proceed to Fort Donelson, where we arrived next morning on a transport under a heavy fire. The companies were formed on the boat and marched off in regular order, and in passing through the village of Dover, we had two or three men wounded, one mortally, by the enemy's shells. We were consigned to Colonel Heiman's brigade, where a hot fire was then being carried on. Three companies were thrown into the trenches on the flank of Colonel Abernathy's regiment; the balance were retained as a support. Soon after our arrival the firing ceased, and the enemy withdrew. In the course of the evening the whole regiment was thrown into the

trenches, where they remained until Saturday morning, with but little skirmishing, when the regiment was ordered about half a mile to the left and again placed in the trenches. Here it was not designated to what brigade the regiment belonged. A heavy conflict was here being waged in our front about ten o'clock A.M. I believe it was your brigade engaged, and it was here the coolness and daring of Colonel Quarles first became conspicuous. The regiment on his flank began to leave the trenches under a heavy fire from the enemy's batteries. Colonel Quarles rallied the stragglers and returned them to the trenches. The regiment remained here until about four o'clock P.M., when we were ordered to the extreme right, where the enemy were reported to have taken some of our trenches. Cold and benumbed as were the troops, they double-quickened for one and a half miles through the mud, slush, ice, and snow, formed in front of the enemy, and with a brisk fire of some twenty minutes caused the enemy to retire.

I believe you were present, and know with what gallantry it was done. Before closing my report, I will call your attention to the cool, gallant conduct of Colonel Quarles. He was always at the head of his regiment, and set a gallant example for his officers and men.

The loss of the regiment was eleven wounded, four mortally. The number engaged, four hundred and ninety-eight, rank and file.

The above report is respectfully submitted.

T. MCGINNIS,

Acting Adjutant Forty-second Tennessee Regiment.

REPORT OF COLONEL JOHN W. HEAD.

CHATTANOOGA, TENNESSEE, August 23, 1862.

To S. Cooper, Adjutant-General Confederate States:

SIR: The surrender of Fort Donelson having prevented me from making a regular report, by the advice of General Buckner I respectfully submit the following to you:

In the organization of the troops at Fort Donelson by General Pillow, after the fall of Fort Henry, the Forty-ninth regiment of Tennessee volunteers, commanded by Colonel Bailey, the Fiftieth, commanded by Colonel Sugg, and the Thirtieth, commanded by myself, were placed under my command as a brigade, and ordered to garrison the Fort. On Wednesday, the twelfth day of February, two of the enemy's gunboats ascended the river and opened a fire upon the river batteries and Fort. This was continued but a short time, and resulted in no injury to us.

On Wednesday evening the Thirtieth regiment was ordered by General Pillow to take position in the outer line of defence between the right of the brigade commanded by Colonel Drake and the left of the brigade commanded by Colonel Heiman.

The enemy were encamped, in force, in front of the position. I accompanied the regiment, leaving the Fort garrisoned by the Forty-ninth and Fiftieth, under the immediate command of Colonel Bailey. The men were immediately put

to work preparing rifle-pits for their protection. The pits were completed by Thursday morning.

We were fired upon occasionally during the fight on Thursday, but the enemy not being in range of our guns, it was not returned by us.

During the bombardment of the Fort and river batteries on Friday by the enemy from their boats, our position was in range of their fire. The officers and men, however, behaved with coolness and gallantry.

About two o'clock on Saturday morning, I received orders to report my regiment to General Buckner on the right wing. This I did without delay. I was ordered by General Buckner to occupy with my regiment the line of defence before held by his command, and if attacked and overpowered, to fall back into the Fort.

The trenches to be held covered a distance of about three quarters of a mile. The regiment numbered about four hundred and fifty men fit for duty. The companies of Captains Carson and Sample were placed in the pits on the extreme right, before held by the regiment of Colonel Hanson; the company of Captain Martin was held as a reserve. The three companies were placed under Major Turner, with instructions to report the first appearance of the enemy. The balance of the regiment was disposed of along the pits occupied by the remainder of General Buckner's forces. During the morning a brisk fire was kept up with the enemy's sharpshooters, resulting in a few casualties on both sides.

About two o'clock P.M., the forces of General Buckner commenced arriving at their encampments from the conflict with the enemy on their right wing, my regiment still occupying the pits. About four o'clock P.M., and before the regiment of Colonel Hanson could be arranged in the pits, the enemy in heavy force attacked the three companies under Major Turner on the extreme right. They held their position with great gallantry, pouring a destructive fire into the ranks of the enemy, until he passed between the pits and overpowered them. They then fell back across a ravine on the next hill, and in connection with other forces resumed the fight. I immediately reported the facts to General Buckner, who ordered out a part of his command to sustain us. Seeing that the soldiers of General Buckner's command were greatly exhausted from the severe conflict they had been engaged in with the enemy in the forenoon, and that a bold and desperate effort was being made to force us back, I ordered the Forty-ninth and the right wing of the Fiftieth regiments from the Fort to sustain us. This I was forced to do without consultation with or orders from General Buckner, in consequence of his position rallying and bringing his men into the engagement. The left wing of the Fiftieth was left in the Fort, under Lieutenant-Colonel Lockhart, with orders to report promptly the first demonstration against the Fort. I also ordered the companies of Captains Jones and Lovell, of the Thirtieth, from their position in the trenches, it being out of the range of the enemy, to sustain their comrades on the

right. The remainder of the Thirtieth were in position and engaged in the fight.

Lieutenant-Colonel Robb, of the Forty-ninth, was mortally wounded while aiding in bringing the regiment into the fight. He was an officer of high moral worth, beloved by his command, and acted with commendable courage. His death was a serious loss to the service. Colonels Bailey and Sugg gallantly led their commands into the action. Their men fought with great coolness and courage, and contributed very materially in repulsing the enemy. Indeed all the officers and men under my command, although imperfectly drilled, discharged their duty, and are entitled to the thanks of the country. They suffered much from exposure in the sleet and snow, for want of sleep and food, but they bore it without a murmur. Lieutenant-Colonel Murphy, of the Thirtieth, was confined during the greater part of the week to his bed from sickness, but, when able, was with the command and rendered efficient service.

Company A, of the Thirtieth, commanded by Captain Bidwell, was in charge of one of the river batteries, and both officers and men won for themselves the praise of all who witnessed their heroic conduct. During the engagement I also ordered two of the heavy guns in the Fort to open upon the enemy. About eleven o'clock Saturday night, I received orders to march my brigade into Dover immediately, to join the army in the evacuation of the place. By two o'clock A.M., I was in Dover with my command, but was then ordered back to camp, information having been received that the place was surrounded. I was also advised that a surrender was determined upon, and that the command had been transferred to General Buckner. I was suffering from exposure, and threatened with pneumonia.

When it was known that a surrender was determined upon, the surgeon of the Thirtieth advised me that if I was taken prisoner in my condition it might cost me my life. I called upon General Buckner, stated the facts to him, and asked his advice as to the propriety of my escaping. He replied that it was a matter that I must determine for myself; that he felt it his duty to remain and share the fate of his men. Feeling that I could be of no service to my command or to the country by a surrender, I left the encampment and made my escape up the river. On my return I reported myself to General A. S. Johnston, at Murfreesboro, for duty. He assigned me none. I was unwilling to retain my commission under the circumstances, and tendered my resignation, the acceptance of which was, as I was advised, recommended by General Johnston.

JOHN W. HEAD,

Colonel Commanding Brigade.

REPORT OF COLONEL ROGER W. HANSON.

RICHMOND, VA., August 8, 1862.

To Major G. B. Cosby, A. A. General.

On the — day of February, in pursuance of orders, I proceeded with my regiment upon the cars from Russellville, Kentucky, to Clarksville,

Tennessee. When I arrived there, I was ordered by General Pillow to embark immediately for Fort Donelson. I arrived there that night. General Bushrod Johnson accompanied us, and when we arrived he took command. General Pillow arrived on the —, and soon after his arrival he placed the troops in the position afterward held by them. I was assigned to the extreme right of the line, extending to the right of Colonel Palmer's regiment, to a slough formed by the high state of water in the river. The position was about half a mile in length, and was a protection in front and to the right of the original line of defence marked out for the Fort. I was directed to construct rifle-pits, which I did, locating them more than a hundred yards apart, at points best commanding the approaches to the position. They were made in a day and a night, and were necessarily very imperfect. I was directed to give up my tools to be used upon other parts of the defences. On Wednesday, the twelfth February, the enemy made his appearance in large force, pressing around in our front, with the evident intention of investing our position. Nothing was done to oppose or prevent his progress, and the following morning found his lines extending from the point of their disembarking to a point on the river above our position. On Thursday morning the enemy made three several attacks upon my position—in all of which they were repulsed with but slight loss upon our part and very heavy upon theirs. In resisting these attacks, I was greatly assisted by Porter's battery upon the left—it always fired at the right time and to the right place. On Thursday night I was reinforced by Captain Jackson's Virginia artillery—four pieces. Although the night was cold and inclement, and the men much exhausted from the day's fighting and several days of hard work, we succeeded in getting these pieces in good position and well protected. On Friday I was reinforced also by Colonel Palmer's regiment. We remained under arms and in ranks all day Friday, expecting the attack to be renewed. The firing of the sharpshooters was incessant from Thursday morning until the surrender, disturbing and almost destroying the repose of my command.

On Saturday morning I was conducted by yourself to the position assigned us, as a reserved regiment and a supporting force for Graves's artillery. I was directed not to leave my trenches until I was relieved by a Tennessee regiment from the Fort. The failure of this regiment to arrive as soon as contemplated delayed me in reaching the point assigned me. A small detachment of Tennesseans arrived, and I placed them in the trenches, and immediately thereafter moved rapidly to the battle-field.

I remained in rear or near Graves's battery, under the immediate supervision of General Buckner, until about noon, when Colonel Baldwin, of Mississippi, announced to me that he was out of ammunition, and stated that unless he could get ammunition and reinforcements, there was great danger of losing the ground which had been won.

I had near by a wagon of ammunition, and with the perseverance of Quartermaster Estep and Lieutenant Semple the ammunition was soon supplied. Previous to this period, some one, mounted and purporting to be a staff-officer, approached the regiment and ordered off two of the left companies to reinforce Colonel Baldwin's command. These two companies, supposing it to be the order of General Pillow or Buckner, moved off at a double-quick, and were soon engaged with the enemy, and against greatly superior numbers.

Colonel McCausland, of Virginia, arrived, and said that unless they were reinforced the enemy would retake what they had gained; that after four hours of hard fighting, the enemy were bringing forward new troops, and in overwhelming numbers. I examined the state of the contest. I saw Colonel Forrest make two gallant but unsuccessful charges. I saw that the enemy were gradually driving us back. My men were eager for the fight. I felt confident I could dislodge the enemy and drive them from their position. I sent for General Buckner; he had gone to the right, and was conducting another movement. There was no time for delay. I concluded to take the responsibility and make the effort.

I marched the regiment by the front across the abatis, a distance of more than a quarter of a mile. When I reached the little ravine where Forrest was with his cavalry, I halted the regiment, and was joined by the two detached companies. In front of us was an open space, which had formerly been occupied as a camp. This space was about two hundred yards in width. Beyond this space, in the timber and thick undergrowth, the enemy were posted. I directed the regiment, when the command was given, to march at quick time across this space, and not to fire a gun until they reached the woods in which the enemy were posted. The order was admirably executed, and although we lost fifty men in killed and wounded, in crossing this space, not a gun was fired until the woods were reached. The enemy stood their ground until we were within forty yards of them, when they fled in great confusion, under a most destructive fire. This was not, strictly speaking, a charge bayonets, but it would have been one if the enemy had not fled.

Graves's battery was then moved up, and my regiment moved forward several hundred yards. While Graves was moving up his ammunition, and other preparations were being made to hold this position, the order came from General Pillow to return to the trenches. Up to this period the success was complete.

When I returned to my position, and before the companies had reached the trenches, the enemy attacked in large force and took them. I fell back to the original line of defence, and being reinforced by several regiments, this position was retrieved; General Buckner, at this point, being present and in command. This position was a stronger one than the one lost, and every effort was made that night to construct defences, but the men were so exhausted, from labor and loss of sleep,

that it was utterly impossible. I will take the liberty to add, that up to the time when we were ordered back to the trenches, our success was complete and our escape secure.

It is also my opinion that the exhaustion of the men from loss of sleep and labor, together with the demoralization caused by the loss of our trenches on the right, rendered the surrender unavoidable. The officers and men of my regiment acted with great gallantry. The list of the killed and wounded I have heretofore furnished.

ROGER W. HANSON,
Colonel Second Kentucky Regiment.

REPORT OF COLONEL JOHN GREGG.

RICHMOND, VA., August 5, 1862.

Major George Cosby, A. A. General, Richmond:

MAJOR: In the absence of any one who was in command of the brigade or division of which my regiment was a part at the time of the battle of Fort Donelson, I make my report of the action of the regiment to General S. B. Buckner. I hope this will be considered proper, as it is the only method by which I can give to the brave men under my command the tribute which I think due to their behavior in that battle.

The regiment was assigned its place in the line designated as our line of defence. On Wednesday, the twelfth February, cleared away the timber in our front, and completed the digging of our rifle-pits during the day and at night. The enemy began to cannonade our intrenchments at nine o'clock a.m., on Thursday, and kept it up until four o'clock p.m., during the greater part of the time making an enfilading fire with shells, which was well directed, and by which Lieutenant E. B. Rosson, of company A, was killed, and Thomas Jordan, a private in company G, was slightly wounded. On Friday we were not engaged. But on Saturday morning, about half an hour before sunrise, we set out with other regiments to make the sortie upon the enemy's right wing. After filing around the base of the hill, upon which the enemy were drawn up, we came to our position, at the distance of half a mile, upon the right of our line. I caused the regiment to front and advance up the hill-side, under a fire from the enemy's skirmishers. Just before reaching the crest of the hill, their line drawn up behind it delivered fire, and a most galling one it was. Here fell Lieutenant-Colonel J. M. Clough, Captain William B. Hill, of company H, and Lieutenant J. W. Nowlin, of company A, neither of whom spoke after being shot; and here also quite a number of our non-commissioned officers and privates were killed and wounded. But our line continued to advance, pouring a most destructive fire into the enemy's ranks. In about half an hour their line broke, and we pursued them to the next ridge, upon which a fresh line was drawn up. I caused the regiment to continue our forward movement and to keep up a continuous fire, and in a short time the second line broke and fled, leaving in our hands one six-pounder, with ammunition and horses. We continued to press them, until a third force was seen drawn

up in a ravine near a clearing, and upon this we pressed and continued to fire, until it also broke and fled. And although the slaughter of the enemy had before been very great, their difficulty in getting through the felled timber caused our fire to be much more destructive upon them at this place. For more than the distance of a mile through the woods, the earth was strewn with the killed and wounded of the enemy. George Blain, a private in company G, captured and brought to me Major Post, of the Eighth Illinois infantry, and there were other prisoners taken. But all this was not done without severe loss to ourselves. Of the three hundred and fifty or sixty officers and men, whom I led into the fight, twenty were killed on the field, and thirty-four were disabled by wounds. I must acknowledge the very efficient assistance of Major Granbury in the management of the regiment throughout the entire day. Where all behaved with such coolness and courage, it is hardly admissible to name particular individuals; but the conspicuous gallantry of Lieutenant-Colonel Clough, of Captain Hill, and Lieutenants Rosson and Nowlin, will ever be thought of with admiration by those who witnessed, and cherished as a glorious memory by their friends.

Submitted respectfully.

JOHN GREGG,
Colonel Seventh Regiment Texas Infantry.

Summary of killed and wounded in the Second division, central army of Kentucky, in the engagements at Fort Donelson, Tennessee.

In the Third brigade, Colonel John C. Brown, commanding, thirty-eight killed, two hundred and forty-six wounded; aggregate two hundred and eighty-four. Second Kentucky regiment, about eighty; Issaquena battery, about three; Porter's battery, about twenty-five: three hundred and ninety-two.

In the two regiments of the Second brigade, (Colonel Baldwin,) detached, and under the command of General Pillow: Twenty-sixth Tennessee, eleven killed, seventy-eight wounded; Twenty-sixth Mississippi, eleven killed, sixty-eight wounded; staff and other officers, two killed, fifteen wounded: aggregate, one hundred and sixty-five: total, five hundred and fifty-seven.

The proximate aggregate strength of the various regiments was as follows:

Third Tennessee, seven hundred and fifty; Seventeenth Tennessee, six hundred and twenty-five; Thirty-second Tennessee, four hundred; Fourteenth Mississippi, six hundred and fifty; Forty-first Tennessee, four hundred; Second Kentucky, six hundred: three thousand and twenty-five.*

Detached, and under command of General Pillow:

Twenty-sixth Tennessee, four hundred and one; Twenty-sixth Mississippi, four hundred and forty-three: eight hundred and forty-four.

Aggregate strength of Buckner's division, un-

der his own command, exclusive of two batteries of artillery, three thousand and twenty-five.

Aggregate detached under General Pillow, eight hundred and forty-four.

Aggregate infantry of Buckner's division, under him and General Pillow, three thousand eight hundred and sixty-nine.

Estimate of killed and wounded in those portions of General Pillow's command, reporting their operations at Fort Donelson, Tennessee, through General S. B. Buckner:

Colonel Heiman's brigade, ten killed, thirty wounded; Colonel Gregg's regiment, twenty killed, thirty-four wounded; Major Brown's regiment, eighteen killed, fifty-five wounded: forty-eight killed, one hundred and nineteen wounded: aggregate, one hundred and sixty-seven.

SUPPLEMENTAL REPORT OF BRIG-GEN. FLOYD.*

KNOXVILLE, TENNESSEE, March 20, 1862.

H. P. Brewster, A. A. General:

SIR: Your communication of the sixteenth instant, from Decatur, reached me here to-day, where I came in compliance with an order from Major-General Smith, who felt his position endangered from the advance of the enemy.

In that communication you say: "Under date of March the eleventh, the Secretary of War says: 'The reports of Generals Floyd and Pillow are unsatisfactory, and the President directs that both these generals be relieved from command till further orders.' He further directs General Johnston 'in the mean time to request them to add to their reports such statements as they may deem proper on the following points:

"First. The failure to give timely notice of the insufficiency of the garrison of Fort Donelson to repel attack.

"Second. The failure of any attempt to save the army by evacuating the post when found to be untenable.

"Third. Why they abandoned the command to their inferior officer, instead of executing themselves whatever measure was deemed proper for the entire army.

"Fourth. What was the precise mode by which each effected his escape from the post, and what dangers were encountered in the retreat.

"Fifth. Upon what principle a selection was made of particular troops, being certain regiments of the senior General's brigade, to whose use all the transportation on hand was appropriated.

"Sixth. A particular designation of the regiments saved and the regiments abandoned, which formed part of the senior General's brigade."

"In obedience to this order, I am directed by General Johnston to request your compliance with the wishes of the President in these particulars, with as little delay as possible, and forward the report to these headquarters.

"Under the same direction General Johnston has required a report from Colonel Forrest, detailing particularly the time and manner of his escape from Fort Donelson, the road he took, the

* This should be three thousand four hundred and twenty-five if the returns are correct.—Clerk.

* See page 143 Docs. Vol. IV. RECONSTRUCTION.

number of enemies he met or saw in making his escape, and the difficulties which existed to prevent the remainder of the army from following the route taken by him in his escape with his command."

I give at once the additional information which seems to be asked for in the communication of the Secretary of War to which you refer.

The first charge is as follows:

"The failure to give timely notice of the insufficiency of the garrison of Fort Donelson to repel attacks."

I presume the General knew before I was ordered to Fort Donelson, that neither the works nor the troops sent there could withstand the force which he knew the enemy had in hand, and which could be brought speedily to that point. I knew perfectly well that if the whole force under General Johnston's command at Bowling Green had been sent to Fort Donelson it would prove utterly insufficient to repel the advance of the enemy up the Cumberland River. General Johnston's entire force, including the troops at Donelson, as I understood it, did not exceed thirty thousand (30,000) men. I knew, what I believe every body else did, for it was made public through the newspapers, that the enemy had in Kentucky alone one hundred and nineteen (119) regiments, and that he had nearly, if not quite as many at Cairo, St. Louis, and the towns near the mouth of the Cumberland. It was also known that the enemy had unlimited means of transportation for concentrating troops. How then was it possible for General Johnston's whole army to meet that force which was known to be moving toward the mouths of the Tennessee and Cumberland Rivers? The sequel proved that this information was correct, for not only were the troops occupying Kentucky sent up the Cumberland, but large additions were made to them from Missouri and Illinois, as stated by prisoners and by the official reports of their own commanders. I could not, under a sense of duty, call for reinforcements, because the force under General Johnston was not strong enough to afford a sufficient number to hold the place. I considered the place ill chosen, out of position, and entirely indefensible by any reinforcements which could be brought there to its support. It had but thirteen guns, and it turned out that but three of these were effective against iron-clad steamers. I thought the force already there sufficient for sacrifice, as well as enough to hold the place until Bowling Green could be evacuated with its supplies and munitions of war. This I supposed to be the main object of the movement to Donelson, and the only good that could be effected by desperately holding that post with the entirely inadequate means in hand for defence of the Cumberland and Tennessee Rivers.

With a less force than fifty thousand (50,000) men, the position at Fort Donelson was, in my judgment, quite untenable, and even with that force it could have been held for only a short time, unless a force of twenty thousand (20,000) men was supporting it at Clarksville, and twenty-

five thousand (25,000) more at least had been stationed at Nashville. While these were my own views and opinions, I nevertheless transmitted to General Johnston the exact state of affairs at the Fort at every stage of the conflict.

My views and opinions upon the defence of Fort Donelson, and the means of extricating the army from the trap in which necessity had thrown them there, had been set forth in a letter addressed to the General from Clarksville before I received orders to go to Fort Donelson, bearing date twelfth of February. I annex a copy of that letter.

CLARKSVILLE, TENN., February 12, 1862.

General Johnston:

SIR: There is but little known satisfactorily of the enemy or their movements; up to ten o'clock last night all was quiet as usual at the Fort. General Buckner is now there. I have thought the best disposition to make of the troops on this line was to concentrate the main force at Cumberland City—leaving at Fort Donelson enough to make all possible resistance to any attack which may be made upon the Fort, but no more. The character of the country in the rear and to the left of the Fort is such as to make it dangerous to concentrate our whole force there; for if their gunboats should pass the Fort and command the river, our troops would be in danger of being cut off by a force from the Tennessee. In this event their road would be open to Nashville, without any obstruction whatever. The position at Cumberland City is better; for there the railroad diverges from the river, which would afford some little facility for transportation in case of necessity; and from thence the open country southward toward Nashville is easily reached. Besides, from that point we threaten the flank of any force sent from the Tennessee against the Fort. I am making every possible effort to concentrate the forces here at Cumberland City. I have been in the greatest dread ever since I reached this place at their scattered condition. The force is inadequate to defend a line of forty miles in length, which can be attacked from three different directions. We can only be formidable by concentration. A strong guard is all that can be left here, and this no longer than your movement can be made. I shall begin to-day, if the engineers report favorably, to blockade the river at the piers of the railroad bridge. I have taken up an idea that a "raft" secured against this bridge, can render the river impassable for the gunboats. If this is possible, it will be an immense relief to the movements above. I am quite sure this blockade can be made at a lower stage of water; but the present stage of water renders this experiment somewhat doubtful, still I will make every exertion to effect the blockade, if possible. I received by telegraph your authority to make any disposition of the troops which in my judgment was best, and acknowledged it by a despatch immediately. I am acting accordingly.

I am, General, very respectfully,

Your obedient servant,

JOHN B. FLOYD,
Brigadier General U.S.A.

CHARGE SECOND.—"The failure of any attempt to save the army by evacuating the post when found untenable."

I have been unfortunate if I have failed to show in my report of the battle at Fort Donelson that the fight on the fifteenth of February, outside of our intrenchments, was nothing but an "attempt to save the army by evacuating the Fort," which the position and numbers of the enemy had already rendered untenable. In my report of the twenty-seventh of February I attempted to explain why we left our intrenchments on the fifteenth to give battle, and the object I had in view in doing so. I said: "I had already seen the impossibility of holding out for any length of time with our inadequate numbers and indefensible position. There was no place in our intrenchments but could be reached by the enemy's artillery from their boats or their batteries. It was but fair to infer that whilst they kept up a sufficient fire upon our intrenchments, to keep our men from sleep and prevent repose, their object was merely to give time to pass a column above us on the river, both on the right and the left banks, and thus to cut off all our communications and to prevent the possibility of egress. I then saw clearly that but one course was left by which a rational hope could be entertained of saving the garrison or a part of it. That was to dislodge the enemy from his position on our left and thus to pass our people into the open country lying southward toward Nashville."

Upon the failure of this enterprise, the causes of which are fully set forth in my report, it obviously became impossible to "save the army by evacuating the post." The attempt to save the army had been made. I thought then, and still think, that a more earnest "attempt" could not be made by an equal number of men to accomplish any enterprise by force of arms. To extricate the army, then, involved the necessity of another battle that night, more desperate than that of the morning, because the enemy had been greatly reinforced, and held their former position with fresh troops. There is such a thing as human exhaustion, an end of physical ability in man to march and fight—however little such a contingency may seem possible to those who sleep quietly upon soft beds, who fare sumptuously every day, and have never tried the exposure of protracted battles and hard campaigns. This point had been reached by our men; the conflict, toil, and excitement of unsuspended battle, running through eighty-four hours, was enough to wear out the physical strength of any men; especially so when the greater part of the time they were exposed to a storm of sleet, snow, and continued frost, and opposed to a force five or six times greater than their own, without shelter or fire. Many of the men had been frost-bitten; and a great many were so overcome by fatigue and want of sleep as to be unable to keep open their eyes, standing on their feet, in the face and under the fire of the enemy.

In fact, the men were totally out of condition

to fight. There were but two roads by which it was possible to retire. If they went by the upper road, they would certainly have a strong position of the enemy to cut through, besides having to march over the battle-field strewn with corpses; and if they retired by the lower road, they would have to wade through water three feet deep, which latter ordeal the medical director stated would be death to more than half of the command, on account of the severity of the weather and their physical prostration. It was believed in council that the army could not retire without sacrificing three fourths of it. The consultation which took place among the officers on the night of the fifteenth was to ascertain whether a further struggle could be maintained, and it was resolved in the negative unconditionally and emphatically. General Buckner, whose immediate command was the largest in the Fort, was positive and unequivocal in his opinion that the fight could not be renewed. I confess that I was myself strongly influenced by this opinion of General Buckner; for I have not yet seen an officer in whose superior military ability, clear discriminating judgment, in whose calm, unflinching courage and unselfish patriotism I more fully confide than in his. The loss to the Confederacy of so able, brave, and accomplished a soldier is irreparable.

From my own knowledge of the condition of the men, I thought that but few of them were in condition to encounter a night conflict. So the plan of renewing the battle was abandoned; and thus the necessity of surrender was presented. All agreed that the necessity existed. That conclusion having been reached, nothing remained but to consider the manner of it; and that is fully set forth in my former report.

The third charge is: "Why they abandoned the command to their inferior officer, instead of executing themselves whatever measure was deemed proper for the entire army."

The "abandonment of command" here imputed, I suppose to mean the act of transferring to General Buckner, who was willing to execute it, the performance of the formalities of surrender. The surrender was a painful and inexorable necessity, which could not be avoided, and not a "measure deemed proper for the entire army." On the contrary, my proposition to take away as large a portion of the forces as possible met, I am sure, with the approbation of the whole council. One of the reasons which induced me to make this transfer to General Buckner was in order that I might be untrammelled in the effort I was determined to make to extricate as many of the command as possible from the Fort, to which object I devoted myself during the night of the fifteenth. So that I accomplished the fact of bringing off troops from the position, I thought little of the manner of doing so. All possibility of further fighting was over. Not another gun was to be fired; no personal risk was to be incurred; certain and absolute freedom from all personal danger was secured to those who surrendered.

Further danger, conflict, and toil could befall those only who should attempt to escape, and those I chose to lead.

Nothing was to be done by those who remained but to hoist the white flag and surrender. This I would not do, for the "measure" of surrender had not been thought of by myself or any officer present in the council as one proper for the "entire army." I supposed it to be an unquestionable principle of military action, that in case of disaster it is better to save a part of a command than to lose the whole. The alternative proposition which I adopted, in preference to surrendering the "entire army," was to make my way out of the beleaguered camp with such men as were still able to make another struggle, if it could be accomplished; and if it could not be, then to take any consequences that did not involve a surrender.

The fifth charge is: "Upon what principle a selection was made of particular troops, being certain regiments of the senior General's brigade, to whose use all the transportation on hand was appropriated."

The answer to this charge leads directly to that of the fourth, and I therefore respond first to this. I presume it is well established that a senior General can select any troops under command for any service or purpose or plan he may choose to execute; and if the means were offered of extricating only a portion of men from a general surrender, I presume the selection of this portion would rest with him rather than with any other person or persons. This would be a sufficient answer to the charge in question, if I chose to rely upon it, which I do not. My real answer I will give fully. It is untrue that "all the transportation on hand was appropriated to certain regiments of the senior General's brigade." It is untrue that a selection was made of "particular troops." I am sure that quite as many men belonging to other brigades were provided with "means of escape," "by the transportation on hand," as were of the senior General's brigade.

Late at night it was ascertained that two steamboats would probably reach the landing before daylight. Then I determined to let Colonel Forrest's cavalry proceed on their march by the river road, which was impassable for any thing but cavalry, on account of the backwater and overflow, whilst I would remain behind and endeavor to get away as many men as possible by the boats. The boats came a short time before daylight, when I hastened to the river and began to ferry the men over to the opposite shore as rapidly as possible.

The men were taken on indiscriminately as they came to the boats; but in the first instance more of the "senior General's brigade" were present than of other troops, from this circumstance, namely: That when I determined not to surrender, I caused my brigade to be drawn up in line and to await my final preparation for a forward movement. This was promptly done, and as they were nearest the left flank, where

the fight would first begin, so likewise were they nearest to the river landing. From this circumstance it happened that the troops from my immediate command were among the first to enter the boats; but all the men from all portions of the army, who were present and could be gotten on board, were taken indiscriminately as far as I had any knowledge. No man of the army was excluded to make room for my brigade. On the contrary, all who came were taken on board, until some time after daylight, when I received a message from General Buckner that any further delay at the wharf would certainly cause the loss of the boat with all on board. Such was the want of all order and discipline by this time on shore, that a wild rush was made at the boat, which the captain said would swamp her unless he pushed off immediately. This was done, and about sunrise the boat on which I was, (the other having gone,) left the shore and steered up the river. By this "precise mode" I effected my "escape," and after leaving the wharf, the department will be pleased to hear, that I encountered no dangers whatever from the enemy.

I had announced in council my determination to take my own brigade and attempt a retreat; and this, I presume, is what is referred to in the charge of "selecting certain regiments of the senior General's brigade." I "selected" this command because they had been with me in the most trying service for seven months, had been repeatedly under fire, had been exposed to every hardship incident to a campaign, had never on any occasion flinched or faltered, had never uttered a complaint; and I knew were to be relied on for any enterprise that could be accomplished. In announcing this intention, it was far from my purpose to exclude any troops who might think proper, or might be physically able, to join me in making the movement.

The sixth charge is: "A particular designation of the regiments saved, and the regiments abandoned, which formed part of the senior General's brigade."

My brigade consisted of the Thirty-sixth regiment Virginia volunteers, the Fiftieth regiment Virginia volunteers, the Fifty-first regiment Virginia volunteers, the Fifty-sixth regiment Virginia volunteers, and the Twentieth regiment Mississippi volunteers. No one of these regiments was either wholly saved or wholly left. I could obtain no reports from regiments until I arrived at Murfreesboro. There our morning reports show the aggregate of each regiment present, respectively, to have been of the Thirty-sixth regiment Virginia volunteers, two hundred and forty-three; Fiftieth regiment Virginia volunteers, two hundred and eighty-five; Fifty-first regiment Virginia volunteers, two hundred and seventy-four; Fifty-sixth regiment Virginia volunteers, one hundred and eighty-four; the Twentieth regiment Mississippi volunteers handed in no report at Murfreesboro, and what there was of it was ordered away by General Johnston; but I am informed that their morning report will show over

three hundred (300) as present. These reports were made before those who had been ferried over the river at Donelson had come up.

A considerable number of men from each of these regiments were "saved," and many of each were left behind. Of my own brigade, a great many who were left effected their escape by every means they could command, and joined their regiments and companies, except the Twentieth regiment Mississippi volunteers, which, by General Johnston's order, were detached and sent home to recruit. This regiment, at the last accounts I had of it, immediately after the fight of Fort Donelson, numbered, as already stated, about three hundred (300) men; but I have no accurate information of the subject. The loss I felt most seriously was that of my three artillery companies of Virginia troops, so remarkable for their efficiency and real gallantry, who had followed me so faithfully throughout my service in Virginia, and who fought so bravely during the whole of the trying conflict at Donelson.

I am, very respectfully, your obedient servant,

JOHN B. FLOYD,
Brigadier-General C. S. A.

[Copy.]

PETER OTTEY,
Assistant Adjutant-General.

Doc. 79.

MESSAGE OF JEFFERSON DAVIS,

DELIVERED FEBRUARY 25, 1862.*

To the Senate and House of Representatives of the Confederate States:

In obedience to the constitutional provision requiring the President from time to time to give to Congress information of the state of the Confederacy, and recommend to their consideration such measures as he shall judge necessary and expedient, I have to communicate that, since my message at the last session of the Provisional Congress, events have demonstrated that the government had attempted more than it had power successfully to achieve. Hence in the effort to protect by our arms the whole territory of the confederate States, seaboard and inland, we have been so exposed as recently to encounter serious disasters.

When the Confederacy was formed, the States comprising it were, in the peculiar character of their pursuits and a misplaced confidence in their former associates, to a great extent destitute of the means for the prosecution of the war on so gigantic a scale as that which it has attained. The work-shops and artists were mainly to be found in the Northern States, and one of the first duties which devolved upon this government was to establish the necessary manufactories, and in the mean time to obtain, by purchase from abroad, as far as practicable, whatever was required for the public defence. No effort has been spared to effect both these ends, and, though

the results have not equalled our hopes, it is believed that an impartial judgment will, upon full investigation, award to the various departments of the government credit for having done all which human power and foresight enabled them to accomplish. The valor and devotion of the people have not only sustained the efforts of the government, but have gone far to support its deficiencies.

The active state of military preparations among the nations of Europe in April last, the date when our agents first went abroad, interpose unavoidable delays in the procurement of arms, and the want of a navy has greatly impeded our efforts to import military supplies of all sorts.

I have hoped for several days to receive official reports in relation to our discomfiture at Roanoke Island and the fall of Fort Donelson. They have not yet reached me, and I am, therefore, unable to communicate to you such information of the late events and the consequences resulting from them as would enable me to make recommendations founded upon the changed condition which they have produced. Enough is known of the surrender of Roanoke Island to make us feel that it was deeply humiliating, however imperfect may have been the preparations for defence. The hope is still entertained that our reported losses at Fort Donelson have been greatly exaggerated, inasmuch as I am not only unwilling but unable to believe that a large army of our people have surrendered without a desperate effort to cut their way through the investing forces, whatever may have been their numbers, and to endeavor to make a junction with other divisions of the army. But, in the absence of that exact information which can only be afforded by official reports, it would be premature to pass judgment, and my own is reserved, as I trust yours will be, until that information is received.

In the mean time, strenuous efforts have been made to throw forward reinforcements to the armies at the positions threatened, and I cannot doubt that the bitter disappointments we have borne, by nerving the people to still greater exertions, will speedily secure results more accordant with our just expectations, and as favorable to our cause as those which marked the earlier periods of the war.

The reports of the Secretaries of War and Navy will exhibit the mass of resources for the conduct of the war which we have been enabled to accumulate, notwithstanding the very serious difficulties against which we have contended. They afford cheering hope that our resources, limited as they were at the beginning of the contest, will, during its progress, become developed to such an extent as fully to meet our future wants.

The policy of enlistment for short terms, against which I have steadily contended from the commencement of the war, has, in my judgment, contributed in no immaterial degree to the recent reverses which we have suffered, and even now renders it difficult to furnish you an accurate

* The first Message of Jefferson Davis to the "permanent" Congress of the rebel States.

statement of the army. When the war first broke out, many of our people could with difficulty be persuaded that it would be long or serious. It was not deemed possible that any thing so insane as a persistent attempt to subjugate these States could be made; still less that the delusion would so far prevail as to give to the war the vast proportions which it has assumed. The people, incredulous of a long war, were naturally averse to long enlistments, and the early legislation of Congress rendered it impracticable to obtain volunteers for a greater period than twelve months. Now that it has become probable that the war will be continued through a series of years, our high-spirited and gallant soldiers, while generally reënlistering, are, from the fact of having entered the service for a short term, compelled, in many instances, to go home to make the necessary arrangements for their families during their prolonged absence.

The quotas of new regiments for the war, called for from the different States, are in rapid progress of organization. The whole body of new levies and reënlistered men will probably be ready in the ranks within the next thirty days. But in the mean time it is exceedingly difficult to give an accurate statement of the number of our forces in the field. They may in general terms be stated at four hundred regiments of infantry, with a proportionate force of cavalry and artillery, the details of which will be shown by the report of the Secretary of War. I deem it proper to advert to the fact that the process of furloughs and reënlisterments in progress for the last month had so far disorganized and weakened our forces as to impair our ability for successful defence; but I heartily congratulate you that this evil, which I had foreseen and was powerless to prevent, may now be said to be substantially at an end, and that we shall not again during the war be exposed to seeing our strength diminished by this fruitful cause of disaster—short enlistments.

The people of the confederate States, being principally engaged in agricultural pursuits, were unprovided at the commencement of hostilities with ships, ship-yards, materials for ship-building, or skilled mechanics and seamen in sufficient numbers to make the prompt creation of a navy a practical task, even if the required appropriations had been made for the purpose. Notwithstanding our very limited resources, however, the report of the Secretary will exhibit to you a satisfactory proportion in preparation and certainty of early completion, of vessels of a number and class on which we may confidently rely for testing the vaunted control of the enemy over our waters.

The financial system devised by the wisdom of your predecessors has proved adequate to supplying all the wants of the government, notwithstanding the unexpected and very large increase of expenditures resulting from the great augmentation in the necessary means of defence. The report of the Secretary of the Treasury will exhibit the gratifying fact that we have no float-

ing debt; that the credit of the government is unimpaired; and that the total expenditure of the government for the year has been, in round numbers, one hundred and seventy millions of dollars—less than one third of the sum wasted by the enemy in his vain effort to conquer us; less than the value of single article of export—the cotton crop of the year.

The report of the Postmaster-General will show the condition of that department to be steadily improving, its revenues increasing, and already affording the assurance that it will be self-sustaining at the date required by the Constitution, while affording ample mail facilities for the people.

In the Department of Justice, which includes the Patent Office and Public Printing, some legislative provision will be required, which will be specifically stated in the report of the head of that department. I invite the attention of Congress to the duty of organizing a Supreme Court of the confederate States, in accordance with the mandate of the Constitution.

I refer you to my message, communicated to the Provisional Congress in November last, for such further information touching the condition of public affairs as it might be useful to lay before you, the short interval which has since elapsed not having produced any material changes in that condition other than those to which reference has already been made.

In conclusion, I cordially welcome representatives who, recently chosen by the people, are fully imbued with their views and feelings, and can so ably advise me as to the needful provisions for the public service. I assure you of my hearty coöperation in all your efforts for the common welfare of the country.

JEFFERSON DAVIS.

Doc. 80.

SECESSION IN EUROPE.

CORRESPONDENCE BETWEEN THE REBEL COMMISSIONERS AND EARL RUSSELL.

15 HALF-MOON STREET, }
LONDON, August 14, 1861. }

THE undersigned, as your lordship has already, on two occasions, been verbally and unofficially informed, were appointed, on the sixteenth of March last, a commission to her Britannic Majesty's Government, by the President of the confederate States of America.

The undersigned were instructed to represent to your lordship that seven of the sovereign States of the late American Union, for just and sufficient reasons, and in full accordance with the great principle of self-government, had thrown off the authority of that Union and formed a Confederacy, which they had styled the "Confederate States of America." They were further instructed to ask her Majesty's government to recognize the fact of the existence of this new power in the world, and also to inform it that

they were fully empowered to negotiate with it a treaty of friendship, commerce, and navigation.

At an early day after the arrival of the undersigned in London, at an informal interview which your lordship was pleased to accord them, they informed your lordship of the object of their mission, and endeavored to impress upon your lordship that the action of the seven confederate States had been based upon repeated attempts on the part of the Federal Government, and of many of the more Northern States which composed the late Union, during a series of years which extended over near half a century, to rule the people of the Southern section of that Union by means of the unconstitutional exercise of power, and that secession from that Union had been resorted to as, in the opinion of the seceding States, the best and surest mode of saving the liberties which their Federal and State constitutions were designed to secure to them. They also endeavored to place before your lordship satisfactory evidence that the justice of this great movement upon the part of the Cotton States was so palpable that it would be indorsed by many, if not all, of the Southern States which were then adhering to the Union, which would sooner or later become convinced that the security of their rights could only be maintained by pursuing the like process of secession from the late Federal Union, and accession to the constitution and government of the confederate States of America.

They were especially desirous of convincing your lordship, and laid before your lordship reasons for their behalf, that the people of the seceding States had violated no principle of allegiance in their act of secession, but on the contrary, had been true to that high duty which all citizens owe to that sovereignty which is the supreme fount of power in a state, no matter what may be the particular form of government under which they live; they were careful to show to your lordship, however, that the idea of American sovereignty was different from that entertained in Great Britain and Europe; that whereas in the great Eastern hemisphere generally sovereignty was deemed to exist in the government, the founders of the North American States had solemnly declared, and upon that declaration had built up American institutions, that "Governments were instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of those ends, (security to life, liberty and the pursuit of happiness,) it is the right of the people to alter or abolish it, and to institute a new government."

In connection with this view, the undersigned explained to your lordship the unity, the deliberation, the moderation, and regard for personal and public right, the absence of undue popular commotion during the process of secession, the daily and ordinary administration of the laws in every department of justice, all of which were distinguishing features of this grand movement. They expatiated upon the great extent of fertile

country over which the confederate States exercised jurisdiction, producing, in ample quantity, every variety of cereal necessary to the support of their inhabitants, the great value of the products of cotton and tobacco grown by them, the number and character of their people; and they submitted to your lordship that all of these political and material facts demonstrated to the nations of the world that the action of the confederate States of America was not that of rebels, subject to be dealt with as traitors and pirates by their enemy, but the dignified and solemn conduct of a belligerent power, struggling, with wisdom and energy, to assume a place among the great states of the civilized world, upon a broad and just principle which commended itself to that world's respect.

The undersigned have witnessed with pleasure that the views which, in their first interview, they pressed upon your lordship as to the undoubted right of the confederate States, under the law of nations, to be treated as a belligerent power, and the monstrous assertion of the Government at Washington of its right to treat their citizens found in arms upon land or sea as rebels and pirates, have met with the concurrence of her Majesty's government; and that the moral weight of this great and Christian people has been thus thrown into the scale to prevent the barbarous and inhuman spectacle of war between citizens so lately claiming a common country, conducted upon principles which would have been a disgrace to the age in which we live.

The people of the confederate States are an agricultural, not a manufacturing or commercial people. They own but few ships. Hence there has been not the least necessity for the government at Washington to issue letters of marque. The people of the confederate States have but few ships, and not much commerce upon which such private armed vessels could operate. The commodities produced in the confederate States are such as the world needs more than any other, and the nations of the earth have heretofore sent their ships to our wharves, and there the merchants buy and receive our cotton and tobacco.

But it is far otherwise with the people of the present United States. They are a manufacturing and commercial people. They do a large part of the carrying trade of the world. Their ships and commerce afford them the sinews of war and keep their industry afloat. To cripple this industry and commerce, to destroy their ships or cause them to be dismantled and tied up to their rotting wharves, are legitimate objects and means of warfare.

Having no navy, no commercial marine out of which to improvise public armed vessels to any considerable extent, the confederate States were compelled to resort to the issuance of letters of marque, a mode of warfare as fully and clearly recognized by the law and usages of nations as any other arm of war, and most assuredly more humane and more civilized in its practice than that which appears to have distinguished the march of the troops of the Government of the United

States upon the soil and among the villages of Virginia.

These facts tend to show that the practical working of the rule that forbids the entry of the public and private armed vessels of either party into British ports with prizes operates exclusively to prevent the exercise of this legitimate mode of warfare by the confederate States, while it is, to a great degree, a practical protection to the commerce and ships of the United States.

In the interview already alluded to, as well as in one of a similar character, held between your lordship and the undersigned at a later date, the undersigned were fully aware of the relations of amity existing between her Britannic Majesty's government and that of Washington, and of the peculiar difficulties into which these relations might be thrown if her Majesty should choose to recognize the nationality of the confederate States of America, before some decided exhibition of ability upon the part of the government of those States to maintain itself had been shown. Therefore they did not deem it advisable to urge her Majesty's government to an immediate decision upon so grave a question, but contented themselves with a presentation of the cause of their government, and have quietly waited upon events to justify all that they had said, with the hope that her Majesty's government would soon come to the conclusion that the same sense of justice, the same view of duty under the law of nations, which caused it to recognize the *de facto* government of Texas while yet a superior Mexican army was contending for supremacy upon its soil, the *de facto* governments of the South-American republics while Spain still persisted in claiming to be their sovereign, and the *de facto* governments of Greece, of Belgium, and Italy, would induce it to recognize the government of the confederate States of America upon the happening of events exhibiting a deep-seated and abiding confidence that success will attend their efforts. At all events, reconstruction of the Union is an impossibility. The brief history of the past confirms them in this belief.

Since the organization of the government of the confederate States in February last, and since Mr. Lincoln assumed the reins of government in the United States, and commenced preparing his aggressive policy against the confederated States, the moral weight of their position and cause, aided by the constitutional action and policy of the new President and his cabinet, have caused four other great States, namely, Virginia, North-Carolina, Tennessee, and Arkansas, containing about four million five hundred thousand inhabitants, and covering an extent of valuable territory equal to that of France and Spain—to secede from the late Union and join the confederate States: while the inhabitants of three other powerful States,—namely, Maryland, Kentucky, and Missouri—are now agitated by the throes of revolution, and a large part of them are rising in arms to resist the military despotism which, in the name of the Constitution, has been so ruthlessly, and in such utter perversion of the provisions of

that instrument, imposed upon them. The undersigned have also sufficient reasons for the belief that even in the north-western part of the State of Illinois, a part of the people have proclaimed open opposition to Mr. Lincoln's unconstitutional and despotic government, while in several others public assemblies and their legislatures have condemned the war as subversive of the Constitution. In addition to these striking evidences of the increased strength of the confederate States, and of great internal weakness and division in Mr. Lincoln's government, the undersigned can proudly and confidently point to the unity which exists among the people of the eleven confederate States, with the solitary and unimportant exception of the extreme north-west corner of Virginia, lying between Ohio and Pennsylvania, and settled almost exclusively by Northern emigrants. Whatever differences of opinion may have been entertained among the people of the United States as to the policy of secession, there was little difference of opinion as to the unconstitutional causes which led to it, and often, by a fair decision at the polls, by the majority in favor of secession as the means of expressing their liberties, the great mass of the people at once yielded all objections, and are now engaged with their wealth and their persons in the most patriotic exertions to uphold their government in the course of independence which had been decided upon.

Whatever tribute of admiration may be yielded for the present to the people who submit to Mr. Lincoln's usurping government, for energy displayed in raising and organizing an immense army for the purpose of imposing the yoke of that government upon a people who are struggling for the inestimable right of governing themselves in order to a preservation of their liberties, a just and impartial history will award to the people of the confederate States an unmixed admiration for an effort which, in the space of six months, has thrown off the authority of the usurper; has organized a new government, based upon the principles of personal and public liberty; has put that government into operation; has raised, organized, and armed an army sufficient to meet and defeat in a fair field, and drive in ignominious flight from that field, the myriads of invaders which the reputed first general of the age deemed fit to crush what he termed a rebellion.

The undersigned call your lordship's attention to the fact that Mr. Lincoln's Government, though possessed of all the advantages of a more numerous population, of the credit due to a recognized Government of long continuance, of the entire navy of the late Union, has not been able to retake a single fortification of which the confederate States possessed themselves; but, on the contrary, has been driven out from a mighty fortress upon the Atlantic, and from several forts on the western frontier by the confederate arms; that it has not been able to advance more than five miles into the territory of any of the confederate States, where there was any serious attempt to prevent it; and is in danger of losing three great States of the Union by insurrection. Even at

sea, upon which the Government of Mr. Lincoln possesses undisputed sway, it has not been able to make an effectual blockade of a single port but those which find an outlet through the mouth of Chesapeake Bay; vessels of every class, public and private, armed vessels belonging to the confederate States, and traders, having found their way in and out of every other port at which the attempt has been made.

In every thing that constitutes the material of war, thus far the confederate States have supplied themselves from their own resources, unaided by that free intercourse with the world which has been open to the United States. Men, arms, munitions of war of every description, have been supplied in ample abundance to defeat all attempts to successfully invade our borders. Money has been obtained in the confederate States in sufficient quantity. Every loan that has been put upon the market has been taken at and above par, and the undersigned but state the universal impression and belief of their government and their fellow-citizens in the confederate States that, no matter what may be the demand for means to defend their country against invasion, sufficient resources of every character, and sufficient patriotism to furnish them, exist within the confederate States for that purpose.

The undersigned are aware that an impression has prevailed, even in what may be termed well-informed circles in Europe, that the slaveholding States are poor, and not able to sustain a prolonged conflict with the non-slaveholding States of the North. In the opinion of the undersigned, this idea is grossly erroneous; and, considering the importance of a correct understanding of the relative resources of the two contending powers, in resolving the question of the ability of the South to maintain its position, your lordship will pardon a reference to the statistical tables of 1850, the last authentic exposition of the resources of the United States which has yet been published, and which is appended to this communication. The incontestable truths exhibited in that article prove that the confederate States possess the elements of a great and powerful nation, capable not only of clothing, feeding, and defending themselves, but also of clothing all the nations of Europe under the benign influence of peace and free trade.

The undersigned are also aware that the anti-slavery sentiment so universally prevalent in England has shrunk from the idea of forming friendly public relations with a government recognizing the slavery of a part of the human race. The question of the morality of slavery is not for the undersigned to discuss with any foreign power. The authors of the American declaration of independence found the African race in the colonies to be slaves, both by colonial and English law, and by the law of nations. Those great and good men left that fact and the responsibility for its existence where they found it; and thus finding that there were two distinct races in the colonies, one free and capable of maintaining their freedom, the other slave, and, in their opinion,

unfitted to enter upon that contest, and to govern themselves, they made their famous declaration of freedom for the white race alone. They eventually planned and put in operation, in the course of a few years, two plans of government, both resting upon that great and recognized distinction between the white and the black man, and perpetuating that distinction as the fundamental law of the government they framed, which they declared to be framed for the benefit of themselves and their posterity; in their own language, "to secure the blessings of liberty to ourselves and our posterity."

The wisdom of that course is not a matter for discussion with foreign nations. Suffice it to say that thus were the great American institutions framed, and thus have they remained unchanged to this day. It was from no fear that the slaves would be liberated that secession took place. The very party in power has proposed to guarantee slavery for ever in the States, if the South would but remain in the Union. Mr. Lincoln's message proposes no freedom to the slave, but announces subjection of his owner to the will of the Union, in other words, to the will of the North. Even after the battle of Bull Run, both branches of the Congress at Washington passed resolutions that the war is only waged in order to enforce that (pro-slavery) Constitution, and to uphold the laws, (many of them pro-slavery,) and out of one hundred and seventy-two votes in the lower house, they received all but two, and in the Senate, all but one vote. As the army commenced its march, the Commanding General issued an order that no slaves should be received into or allowed to follow the camp. The great object of the war, therefore, as now officially announced, is not to free the slave, but to keep him in subjection to his owner, and to control his labor through the legislative channels which the Lincoln Government designs to force upon the master. The undersigned, therefore, submit with confidence, that as far as the anti-slavery sentiment of England is concerned, it can have no sympathy with the North; nay, it will probably become disgusted with a canting hypocrisy which would enlist those sympathies on false pretences. The undersigned are, however, not insensible to the surmise that the Lincoln Government may, under stress of circumstances, change its policy, a policy based at present more upon a wily view of what is to be its effect in rearing up an element in the confederate States favorable to the reconstruction of the Union than upon any honest desire to uphold a Constitution, the main provisions of which it has most shamefully violated. But they confidently submit to your lordship's consideration, that success in producing so abrupt and violent a destruction of a system of labor which has reared up so vast a commerce between America and the great states of Europe, which, it is supposed, now gives bread to ten millions of the population of those States, which, it may be safely assumed, is intimately blended with the basis of the great manufacturing and navigating prosperity that distinguishes the age,

and probably not the least of the elements of this prosperity, would be visited with results disastrous to the world, as well as to the master and slave.

Resort to servile war has, it is true, as we have heretofore stated, not been proclaimed, but officially abandoned. It has been, however, recommended by persons of influence in the United States, and when all other means shall fail, as the undersigned assure your lordship they will, to bring the confederate States into subjection to the power of Mr. Lincoln's Government, it is by no means improbable that it may be inaugurated. Whenever it shall be done, however, the motive, it is now rendered clear, will not be that high philanthropic consideration which undoubtedly beats in the hearts of many in England, but the base feeling of selfish aggrandizement, not unmingled with a cowardly spirit of revenge.

The undersigned call your lordship's attention to what is now so publicly known as a fact—to the great battle of Bull Run, three miles in front of Manassas Junction, in which a well-appointed army of fifty-five thousand Federal soldiers gave battle to the confederate States army of inferior force. After nine hours' hard fighting the Federalists were defeated and driven from the field in open flight, and were pursued by the confederate States army to Centreville, the position of the Federal reserve. The enemy lost honor, and nearly all the arms and munitions of war which had been so industriously gathered together for months for an offensive campaign in Virginia; and they did not cease their flight until, under cover of a stormy night, they had regained the shelter of their intrenchments in front of Washington. The confederate States forces have commenced offensive movements, and have driven the vaunting hosts of the United States behind intrenchments upon the borders of Virginia, and so far from threatening the integrity of the territory and the existence of the government of the confederate States, the Government at Washington seems content at present, and will be rejoiced, if it can maintain a successful defence of its capital, and preserve the remnant of its defeated and disorganized forces.

The undersigned would also ask your lordship's attention to the fact that the cotton-picking season in the cotton-growing States of the Confederacy has commenced. The crop bids fair to be at least an average one, and will be prepared for market and delivered by our planters and merchants as usual, on the wharves of the ports of those States, when there shall be a prospect of the blockade being raised, and not before. As a defensive measure, an embargo has been laid by the government of the confederate States upon the passage of cotton by inland conveyance to the United States. To be obtained, it must be sought for in the Atlantic and Gulf ports of those States. They submit to your lordship the consideration of the fact that the blockade of all the ports of the confederate States was declared to have commenced by the blockading officer off Charleston, when, in truth, at that time, and for

weeks after, there was no pretence of a blockade of the ports of the Gulf. They submit for consideration that since the establishment of the blockade there have been repeated instances of vessels breaking it at Wilmington, Charleston, Savannah, Mobile, and New-Orleans. It will be for the neutral powers, whose commerce has been so seriously damaged, to determine how long such a blockade shall be permitted to interfere with their commerce.

In closing this communication the undersigned desire to urge upon her Britannic Majesty's government the just claim which, in their opinion, the government of the confederate States has at this time to a recognition as a government *de facto*; whether its internal peace, or its territory, its population, its great resources for both domestic and foreign commerce, and its power to maintain itself, are considered; or whether your lordship shall take into consideration the necessity of commercial relations being established with it, with a view to the preservation of vast interests of the commerce of England. If, however, in the opinion of her Britannic Majesty's government, the confederate States have not yet won a right to a place among the nations of the earth, the undersigned can only assure your lordship that while such an announcement will be received with surprise by the government they represent, and while that government is to be left to contend for interests which, it thinks, are as important to commercial Europe as to itself, without even a friendly countenance from other nations, its citizens will buckle themselves to the great task before them with a vigor and determination that will justify the undersigned in having pressed the question upon her Britannic Majesty's government, and when peace shall have been made, their government will at least feel that it will not be justly responsible for the vast quantity of blood which shall have been shed, nor for the great and wide-spread suffering which so prolonged a conflict will have entailed upon millions of the human race, both in the Eastern as well as upon the North-American continent.

The undersigned, etc. W. L. YANCEY,
P. A. ROST,
A. DUDLEY MANN.

[No. 73.]

EARL RUSSELL'S LETTER.

FOREIGN OFFICE, August 24, 1861.

The undersigned has had the honor to receive the letter of the fourteenth instant, addressed to him by Messrs. Yancey, Rost, and Mann, on behalf of the so-styled confederate States of North-America.

The British government do not pretend in any way to pronounce a judgment upon the questions in debate between the United States and their adversaries in North-America; the British government can only regret that these differences have, unfortunately, been submitted to the arbitrament of arms. Her Majesty has considered this contest as constituting a civil war, and her Majesty has, by her royal proclamation, de-

clared her intention to preserve a strict neutrality between the contending parties in that war.

Her Majesty will strictly perform the duties which belong to a neutral. Her Majesty cannot undertake to determine by anticipation what may be the issue of the contest, nor can she acknowledge the independence of the nine States which are now combined against the President and Congress of the United States until the fortune of arms or the more peaceful mode of negotiation shall have more clearly determined the respective positions of the two belligerents.

Her Majesty can, in the mean time, only express a hope that some adjustment satisfactory to both parties may be come to, without the calamities which must ensue in the event of an embittered and protracted conflict.

The undersigned, etc.

RUSSELL.

Doc. 81.

REBEL OPERATIONS IN NEW-MEXICO.

REPORT OF BRIG.-GEN. H. F. SIBLEY.*

HEADQUARTERS ARMY OF NEW-MEXICO, }
FORT BLISS, TEXAS, May 4, 1862.

General S. Cooper, Adjutant and Inspector-General, Richmond, Va.:

GENERAL: I have the honor to report, for the information of the Secretary of War, the operations of this army during the months of February, March, and April, ultimo.

This report is made to cover the whole campaign, for the reason that the special reports of the various commanders, herewith inclosed, enter sufficiently into detail to elucidate the various actions in which the troops were engaged during the campaign.

It is due to the brave soldiers I have had the honor to command, to premise that from its first inception, the "Sibley brigade" has encountered difficulties in its organization, and opposition and distaste to the service required at its hands, which no other troops have met with.

From misunderstandings, accidents, deficiency of arms, etc., instead of reaching the field of its operations early in September, as was anticipated, I found myself at this point as late as the middle of January, 1862, with only two regiments and a half, poorly armed, thinly clad, and almost destitute of blankets. The ranks were becoming daily thinned with those two terrible scourges to an army, small-pox and pneumonia. Not a dollar of quartermaster's funds was on hand, or had ever been to supply the daily and pressing necessities of the service, and the small means of this sparse section had been long consumed by the force under the command of Lieutenant-Colonel Baylor, so that the credit of the government was not as available a resource as it might otherwise have been.

Having established a general hospital at Dona Ana, I determined to move forward with the force at hand. Accordingly, during the first week in

January, the advance was put in march for old Fort Thorn. Thence on the seventh of February the movement was continued to a point seven miles below Fort Craig, when the Santa Fe papers boasted we were to be met and overwhelmed by Canby's entire army. On the sixteenth of February a reconnoissance in force was pushed to within a mile of the Fort, and battle offered in the open plain. The challenge was disregarded, and only noticed by the sending out of a few well-mounted men to watch our movements. The forces of the enemy were kept well concealed in the "bosque" (or grove) above the Fort and within its walls.

The reconnoissance proved the futility of assaulting the Fort in front with our light metal, and that our only hope of success was to force the enemy to an open field fight. It was accordingly determined by a partial retrograde movement to cross the Rio Grande to the east bank, turn the Fort, and force a battle for the recrossing. To do this involved first, the hazardous necessity of crossing a treacherous stream in full view of the Fort; second, to make a "dry camp" immediately opposite, and remote from the Fort only a mile and a half, and the next day to fight our first battle. The enemy seemed to have been so confounded by the boldness and eccentricity of these movements, that the first was accomplished without molestation, save a demonstration on the afternoon of the twentieth, as we were forming our camp, by the crossing of some two thousand five hundred infantry and cavalry, with the purpose, apparently, of making an assault upon our lines. Here the spirit and courage of our men were evidenced by the alacrity shown in getting into line to confront the enemy. A few rounds from our well-directed guns, under the management of Captain Teel, Lieutenants Riley and Woods, checked his advance, and drove him to the cover of his mud walls.

It is proper to state here that these operations, approved by me, were conducted by Colonel Thomas Green, of the Fifth regiment—the state of my health having confined me to the ambulance for several days previous.

On the morning of the twenty-first, considering that the impending battle must decide the question at issue, though still very weak, I took the saddle at early dawn, to direct, in person, the movement. Green's regiment, with the battalion of the Seventh, under Lieutenant-Colonel Sutton, and Captain Teel's battery, were ordered to make a strong threatening demonstration on the Fort, whilst Scurry, with the Fourth, well flanked by Pyron's command on the left, should feel his way cautiously to the river.

This movement was unfortunately delayed by the loss, during the night, by careless herding, of a hundred mules of the baggage-train of the Fourth regiment. Rather than the plan should be defeated, a number of wagons were abandoned, containing the entire kits, blankets, books, and papers of this regiment; and meanwhile, what was left of the trains was kept in motion over the sand-hills, which the enemy had deemed impossible.

* See page 197 Docs. Vol. IV. REBELLION RECORD.

On reaching the river bottom at Valverde, it was ascertained that the enemy, anticipating our movement, had thrown a large force of infantry and cavalry up the river to dispute the water with us. Pyron immediately engaged him with his small force of two hundred and fifty men, and gallantly held his ground against overwhelming odds, until the arrival of Scurry with the Fourth regiment and Lieutenant Riley's battery of light howitzers. At twelve m., the action becoming warm, and the enemy evidently receiving large reinforcements, I ordered Green's regiment with Teel's battery, to the front.

These, in the course of an hour, gallantly entered into action, and the battle became general. Subsequently, Lieutenant-Colonel Sutton, with his battalion, was ordered forward from the rear, and did right good service, leading his men even to the cannon's mouth. At one and a half p.m., having become completely exhausted, and finding myself no longer able to keep the saddle, I sent my aids and other staff-officers to report to Colonel Green. His official report attests the gallantry of their bearing, and his final success, resulting in the capture of their battery and driving the enemy in disorder from the field, and thus evidencing his own intrepidity and the indomitable courage of all engaged.

From information derived from reliable sources, the forces opposed to us could not have been less than five thousand men, with a reserve of three thousand at the Fort. Ours did not exceed one thousand seven hundred and fifty on the field, namely, the Fourth regiment, six hundred, Fifth, six hundred, Seventh, three hundred, and Pyron's command, (of Second mounted rifles,) two hundred and fifty. This signal victory should have resulted in the capture of the Fort, as fresh troops had been brought forward to pursue and follow the discomfited column of the enemy. A flag of truce was opportunely despatched by the Federal commander before he reached the gates of his Fort, and which was for two hours supposed by our troops to be a proposition to surrender.

This flag had for its object the burying of the dead and removal of their wounded; and I regret to state here, for the sake of old associations, that under this flag, and another sent next day, the enemy, availing himself of our generosity and confidence in his honor, not only loaded his wagons with arms picked up on the battle-field, but sent a force up, and actually succeeded in recovering from the river one twenty-four pounder, which had been left in our hands. Even a guidon and a flag, taken in the same way, under the cover of night and a white flag, were boastfully pointed to in an interview under a flag of truce between one of my aids and the Federal commander at the Fort, as trophies of the fight.

The burying of the dead and care of the wounded occasioned a delay of two days on the field, thus leaving us with but five days' scant rations. In this dilemma the question arose whether to assault the Fort in this crippled condition, or move rapidly forward up the river where supplies of breadstuffs and meat could be procured. The

latter course, in a council of war, was adopted. Depositing our sick at Socorro, thirty miles above Fort Craig, the march was uninterruptedly made to Albuquerque, where, notwithstanding the destruction by the enemy of large supplies by fire, ample subsistence was secured. A very considerable quantity of supplies and ammunition was also obtained at Cubero, a temporary post sixty miles west of Albuquerque. Other supplies were also taken at Santa Fe, and upon the whole we had a sufficiency for some three months.

It is due to the Fourth regiment to mention at this place an action of devotion and self-sacrifice worthy of high praise, and more commendable because they are Texans.

In the action at Valverde many of their horses were killed, thus leaving them half foot, half mounted. The proposition being made to them to dismount, the whole regiment, without a dissenting voice, a cavalry regiment which had proudly flaunted its banner before the enemy on the twentieth, took the line of march on the twenty-fourth, a strong and reliable regiment of infantry.

Having secured all the available stores in and about Albuquerque, and despatched Major Pyron with his command to Santa Fe to secure such as might be found there, I determined to make a strong demonstration on Fort Union.

With this view, Colonel Scurry, with the Fourth, and the battalion of Colonel Stute's regiment under Major Jordan, were pushed forward in the direction of Galestio, whilst Colonel Green, with his regiment, (Fifth,) being somewhat badly crippled in transportation, was held for a few days in hand to check any movement from Fort Craig.

Meanwhile, the enemy having received reinforcements at Fort Union of nine hundred and fifty men from Pike's Peak, on or about the twelfth of March, took the initiative and commenced a rapid march on Santa Fe.

Major Pyron, reinforced by four companies of the Fifth regiment, under Major Shropshire, receiving notice of this movement, advanced at once to meet him on the high road between Santa Fe and Union. On the twenty-sixth of March a sharp skirmish ensued, described in detail by that officer, wherein many acts of daring heroism were enacted. The company of "brigades," (independent volunteers,) under the command of Captain John Phillips, is said to have done good service. One of their number, Mr. Thomas Cator, was killed, and two wounded. On this occasion, as on every previous one, this company showed a devotedness to the cause which has elevated them and inspired confidence throughout the army. Colonel Scurry reached the scene of action at daylight next morning, and the next day fought the battle of Glorietta, driving the enemy from the field with great loss.

His report is respectfully referred to for the details of this glorious action. Pending this action, I was on my route to Santa Fe, in rear of Green's regiment, which had meanwhile been put in march for that place, where, on my arrival, I found the whole exultant army assembled. The sick and wounded had been comfortably

quartered and attended; the loss of clothing and transportation had been made up from the enemy's stores and confiscations; and indeed every thing done which should have been done.

Many friends were found in Sante Fe who had been in durance. Among the rest, General Wm. Pelham, who had but recently been released from a dungeon in Fort Union.

After the occupancy of the capital of the Territory for nearly a month from the time of our first advance upon it, the forage and supplies obtainable there having become exhausted, it was determined to occupy with the whole army the village of Murzana, intermediate between Fort Union, Albuquerque, and Fort Craig, and securing, as a line of communication, the road to Fort Stanton.

This plan was disconcerted, however, by the rapid and continuous expresses from Albuquerque, urging the necessity of reinforcements to hold the place (the *dépôt* of all our supplies) against the advancing forces of Canby, from Craig.

The entire force was accordingly moved by forced marches in the direction of Albuquerque, arriving too late to encounter the enemy, but time enough to secure our limited supplies from the contingency of capture.

In our straitened circumstances, the question now arose in my mind, whether to evacuate the country, or take the desperate chances of fighting the enemy in his stronghold, Union, for scant rations at the best.

The course adopted was deemed the wisest.

On the morning of the twelfth of April, the evacuation commenced by the crossing of Scurry's Fourth regiment, the battalion of Stute's regiment, Pyron's command, and a part of the artillery, by ferry and ford, to the west bank of the river. Green's regiment was ordered to follow, but finding the ford to be difficult, he encamped for the night on the east bank, hoping to be able, on the ensuing morning, to find a better ford lower down the river. Accordingly, on the next day that officer proceeded with his regiment as low down as Peratto, opposite Los Lunal, the point at which I had halted the balance of the army to await his arrival. In the mean time, Canby, having formed a junction with a large force from Fort Union, debouched through a *cañon* after nightfall to the neighborhood of the river, taking a commanding position in close proximity to Green's camp, and in the morning opened a furious but harmless cannonade.

On being notified of the critical situation of this detached portion of the army, the whole disposable force at Los Lunal, reserving a sufficient guard for the train, was despatched to its relief. The passage of the river by this force and the artillery was successfully effected, under the direction of Colonel Scurry.

Following shortly after with a portion of my staff, to assume the immediate command, and having crossed the river, I was notified by several officers, who had preceded me some hundred yards, of the rapid approach of a large number

of the enemy's cavalry. Finding myself completely cut off, I had no other alternative than to recross the river amid a shower of balls. The day was occupied at Peratto in ineffectual firing on both sides. After nightfall I gave orders for the recrossing of the whole army to the west bank of the river, which was effected without interruption or casualty, and on the next morning the march down the river was resumed. The enemy followed on the opposite bank, and both armies encamped in full view of each other, the river alone intervening.

The transportation and artillery had by this time become such an incumbrance on the heavy sandy road, without forage or grass, that the abandonment of one or the other became inevitable. My original plan had been to push on by the river route, in advance of the enemy, having the start of him two whole days from Albuquerque to Fort Craig, attack the weak garrison, and demolish the Fort.

This plan was defeated by Colonel Green not finding a crossing of the river at a convenient point.

Colonel Green and Colonel Scurry, with several other practical officers, here came forward and proposed, in order to avoid the contingency of another general action in our then crippled condition, that a route through the mountains, avoiding Fort Craig, and striking the river below that point, should be pursued, they undertaking with their respective commands to push the artillery through at all hazards, and at any expenditure of toil and labor. Major Coopwood, who had familiarized himself with the country, undertook the difficult and responsible task of guiding the army through this mountainous, trackless waste.

The arguments presented in favor of this course were potent. Besides having the advantage of grass and a firm road, with very little difference in distance, the enemy would be completely mystified, as afterward proved to be the case. Accordingly, all the wagons which could possibly be dispensed with were ordered to be abandoned on the ground, seven days' provisions to be packed on mules, and the entire force put in march after night-fall. The route was a difficult and most hazardous one, both in respect to its practicability and supply of water. The successful accomplishment of the march not only proved the sagacity of our guide, but the pledge of Colonel Scurry that the guns should be put over every obstacle, however formidable, by his regiment, was nobly fulfilled. Not a murmur escaped the lips of these brave boys. Descents into and ascents out of the deepest *cañons*, which a single horseman would have sought for miles to avoid, were undertaken and accomplished with a cheerfulness and ability which were the admiration and praise of the whole army. Thus, in ten days, with seven days' rations, a point on the river, where supplies had been ordered forward, was reached. The river, which was rising rapidly, was safely crossed to the east bank, under the direction of Colonel Green, and at this

moment, I am happy to repeat, the whole force is comfortably quartered in the villages extending from Dona Ana to this place.

My chief regret, in making this retrograde movement, was the necessity of leaving hospitals at Santa Fe, Albuquerque, and Socorro. Every thing, however, was provided for the comfort of the sick, and sufficient funds, in confederate paper, provided them to meet every want, if it be negotiated. It has been almost impossible to procure specie upon any terms. One thousand dollars is all I have been able to procure for the use of the hospitals and for secret service. The *ricos*, or wealthy citizens of New-Mexico, had been completely drained by the Federal powers, and adhering to them, becoming absolute followers of their army, for dear life and their invested dollars. Politically, they have no distinct sentiment or opinion on the vital question at issue. Power and interest alone control the expression of their sympathies. Two noble and notable exceptions to this rule were found in the brothers Raphael and Manuel Armijo, the wealthiest and most respectable native merchants of New-Mexico. The latter had been pressed into the militia, and was compulsorily present in the action at Valverde. On our arrival at Albuquerque, they came forward boldly, and protested their sympathy with our cause, placing their stores, containing goods amounting to \$200,000, at the disposal of my troops.

When the necessity for evacuating the country became inevitable, these two gentlemen abandoned luxurious homes and well-filled store-houses, to join their fate to the Southern Confederacy. I trust they will not be forgotten in the final settlement.

In concluding this report, already extended beyond my anticipations, it is proper that I should express the conviction, determined by some experience, that, except for its political geographical position, the Territory of New-Mexico is not worth a quarter of the blood and treasure expended in its conquest. As a field of military operations, it possesses not a single element, except in the multiplicity of its defensible positions. The indispensable element, food, cannot be relied on. During the last year, and, pending the recent operations, hundreds of thousands of sheep have been driven off by the Navajoes. Indeed, such were the complaints of the people in this respect, that I had determined, as good policy, to encourage private enterprises against that tribe and the Apaches, and to legalize the enslaving of them.

As for the results of the campaign, I have only to say that we have beaten the enemy in every encounter, and against large odds; that, from being the worst armed, my forces are now the best armed in the country. We reached this point last winter in rags, and blanketless. The army is now well clad, and well supplied in other respects. The entire campaign has been prosecuted without a dollar in the quartermaster's department, Captain Harrison not having yet reached this place. But, sir, I cannot speak en-

couragingly for the future. My troops have manifested a dogged, irreconcilable detestation of the country and the people. They have endured much, suffered much, and cheerfully; but the prevailing discontent, backed up by the distinguished valor displayed on every field, entitles them to marked consideration and indulgence.

These considerations, in connection with the scant supply of provisions, and the disposition of our own citizens in this section, to depreciate our currency, may determine me, without waiting for instructions, to move by slow marches down the country, both for the purpose of remounting and recruiting our thinned ranks.

Trusting that the management of this more than difficult campaign intrusted to me by the government may prove satisfactory to the President, I have the honor, General, to be

Your obedient servant,

H. F. SIBLEY,
Brigadier-General Commanding.

REPORT OF COLONEL GREENE.

CAMP VALVERDE, February 22, 1862.

Major A. M. Jackson, A. A. General, Army of N. M.:

SIR: I have the honor of submitting to you the following report of the battle of Valverde, fought on yesterday, by a part of the brigade of General Sibley, under my command. While in the act of turning Fort Craig, on the east side of the Rio Grande, Major Pyron, with two hundred men, was sent to reconnoitre early in the morning of the twenty-first, the route around the Mesa, north of the Fort, and secure a footing on the river above. Whilst Major Pyron was approaching the river with his command, the enemy appeared in considerable numbers between his command and the river, on the north of the Mesa, and opened on him about eight o'clock, a heavy fire of artillery and small arms, being between him and the water. The gallant Pyron, with his brave little force, kept up the unequal contest for an hour or two, until the arrival of Lieutenant-Colonel Scurry, with a part of his regiment and Lieutenant Riley's howitzer battery. Scurry took position on the right of Pyron, and both kept up the contest and maintained their position behind a low line of sand-hill. About this time, one section of Captain Teel's battery came up, and took position, and replied to the fire of the enemy. At twelve o'clock, while under the orders of the General, I was threatening the Fort on the south side of the Mesa, I received his orders to move up with all my disposable force to the support of Lieutenant-Colonel Scurry and Major Pyron, after leaving a sufficient force to protect the train which was then moving from our late camp around the Mesa to the battle-ground, and which was stretched out for several miles. Our train was threatened by a considerable body of troops of the enemy, who made their appearance on the Mesa. Detaching Lieutenant-Colonel Sutton's command, and a detachment from my own regiment to protect the train, I moved up with as much speed as practicable, with eight companies of my regi-

ment, sending forward Major Lockridge with the two companies of lancers under Captains Lang and McGowan. My companies were placed in the line of battle between Pyron, on the left, and Scurry, on the right, except three, which were sent by me under Lieutenant-Colonel McNeill, to drive the enemy from the north point of the Mesa, where they were annoying our left, and threatening our train.

After these dispositions, I moved up to the line of battle myself, and, by the orders of the General, took command of the forces present. The enemy, during the day, and with little intermission, kept up a brisk cannonade upon us, to which our six-pounders, under Captain Teel, replied with effect. The enemy repeatedly advanced with their skirmishers to near our lines, killing many of our horses tied in the rear. About three o'clock P.M., a most galling fire was opened upon Lieutenant-Colonel Scurry's command, on our right, by three or four hundred of the enemy's riflemen. Captain Lang, of the Fifth regiment, with about forty of his lancers, made at this time one of the most gallant and furious charges on these light troops of the enemy ever witnessed in the annals of battles. His little troop was decimated, and the gallant Captain and Lieutenant Bass severely wounded—the latter in seven places. The enemy were repulsed by this gallant charge, and our right was for some time unmolested.

Large bodies of the enemy's infantry having crossed the river about half-past three o'clock P.M., bringing over with them six pieces of splendid artillery, took position in front of us, on the bank of the river, at a distance of six hundred yards. In addition to this body of troops, two twenty-four-pound howitzers were placed on our left flank by the enemy. These were supported by a regiment of infantry and a regiment of cavalry. The heaviest fire of the whole day was opened about this time on our left, which was under the command of the gallant Lockridge. Our brave men on that part of the line maintained the unequal fight with desperate courage, though overwhelmingly outnumbered. Lieutenant-Colonel Sutton, now coming up with a part of his battalion, took position on our left.

The enemy, now being on our side of the river, opened upon us a tremendous fire of round shot, grape, and shell. Their force in numbers was vastly superior to ours, but having the most unbounded confidence in the courage of our troops, I ordered a charge on their battery and infantry of regulars in front, and at the same time, Major Ragnet, of the Fourth, with four companies of the same, and Captain Ragsdale's company of the Fifth, was directed by me to charge as cavalry upon the infantry and Mexican cavalry and the two twenty-four-pound howitzers on our flank.

Our dismounted troops in front were composed of parts of the Fourth and Fifth regiments T. M. V., and parts of Lieutenant-Colonel Sutton's and most of Pyron's battalions, Teel's, Riley's, and

Wood's batteries of artillery, numbering about seven hundred and fifty on the ground. Major Ragnet's cavalry numbered about two hundred and fifty, making about one thousand men in the charge.

At the command to charge, our men leaped over the sand-bank, which had served as a good covering to them, and dashed over the open plain, thinly interspersed with cotton-wood trees, upon the battery and infantry of the enemy in front, composed of United States regulars and Denver City volunteers, and in a most desperate charge and hand-to-hand conflict completely overwhelmed them, killing most of their gunners around their cannon, and driving the infantry into the river. Never were double-barrelled shot guns and rifles used to better effect. A large number of the enemy were killed in the river with shot-guns and six-shooters in their flight.

Whilst we were occupied with the enemy in front, Major Ragnet made a gallant and most timely charge upon the infantry and cavalry of the enemy on our left flank. This charge was made against ten times the number of Ragnet's force, and although we suffered severely and were compelled to fall back, he effected the object of his mission, and occupied the attention of our powerful enemy on the left, while our dismounted men were advancing upon those in front, and running them into the river.

So soon as the enemy had fled in disorder from our terrible fire in front, we turned upon his infantry and cavalry and twenty-four pounders on our left flank, just engaged by Major Ragnet. We charged them as we had those in front, but they were not made of as good stuff as the regulars, and a few fires upon them with their own artillery and Teel's guns—a few volleys of small arms; and the old Texas war-shout, completely dispersed them. They fled from the field, both cavalry and infantry, in the utmost disorder, many of them dropping their guns to lighten their heels, and stopping only under the walls of the Fort. Our victory was complete. The enemy must have been three thousand strong, while our force actually engaged did not exceed six hundred. Six splendid pieces of artillery and their entire equipage, fell into our hands, also many fine small arms.

This splendid victory was not achieved without severe loss to us.

Major Lockridge, of the Fifth, fell at the mouth of the enemy's guns, gallantly leading our brave troops to the assault.

Lieutenant-Colonel Sutton, of the Seventh, fell mortally wounded at the head of his battalion, while assaulting the enemy's battery.

Several of our officers were desperately wounded, some of them, no doubt, mortally. Among them are the gallant Captain Lang, of the lancers, and Lieutenant Bass, both of company B, and Lieutenant Hubbard, of company A, Fifth regiment.

Captain Heurel, of the Fourth, fell in the gallant cavalry charge of Major Ragnet. He was one of

the most distinguished of the heroes of the day. Like the gallant Lang, of the Fifth, he could not appreciate odds in a battle.

I cannot say enough in praise of the gallantry of our surviving officers and men. It would be invidious to mention names. Were I to do so, the rolls of captains, lieutenants, and men, would have to be here inserted. I will only mention the principal field and staff in the engagement. The cheering voice of Lieutenant-Colonel Scurry was heard where the bullets fell thickest on the field. Lieutenant-Colonel McNeil, and the gallant Major Pyron, who has been before mentioned, displayed the most undaunted courage. Major Ragnet, of the Fourth, though wounded, remained at his post, and retired not until the field was won. These were the field-officers present, as I have just stated. The captains, lieutenants, and men in the action, displayed so much gallantry that it would be invidious to make distinctions. They fought with equal valor, and are entitled to equal credit with the field and staff here mentioned.

I will not close this report without a just meed of praise to the general staff, who served me as aides-de-camp during the day. Colonel W. L. Robards was in the dashing charge of the gallant Lang, and wounded in several places.

Captain Tom P. Ochiltree, aid-de-camp to General Sibley, was exceedingly useful to me on the field, and active during the whole engagement. He assisted me, in the most critical moment, to cheer our men to the assault. He deserves the highest praise for his undaunted chivalry and coolness, and I recommend him to the General for promotion.

Captain Dwyer was also very useful, gallant, and active during the whole action.

I cannot close without the mention of Captain Frazier, of the Arizona volunteers. To him, more than all others, we are indebted for the successful turning of Fort Craig. He led us over the high ground around the Mesa to the east of the Fort, where we at all times had the advantage of the enemy, in case he had attacked us in the act of turning the Fort.

I will personalize only further by the mention of my own regimental staff.

Sergeant-Major C. B. Sheppard shouldered his gun and fought gallantly in the ranks of Captain McPhail's company in the charge. Lieutenant Joseph D. Sayers, Adjutant of the Fifth, during the whole day, reminded me of a hero of the days of chivalry. He is a gallant, daring, and dashing soldier, and he is as cool in a storm of grape, shell, canister, and musketry as a veteran. I recommend him, through the General, to the President for promotion.

Our killed and wounded are as follows:

Second regiment Texas mounted volunteers, Major Pyron's command, killed four, wounded seventeen, missing one.

Teel's battery, killed two, wounded four.

Fourth regiment Texas mounted volunteers, Lieutenant-Col. Scurry's command, killed eight, wounded thirty-six.

Fifth regiment Texas mounted volunteers, Colonel Green's regiment, killed twenty, wounded sixty-seven.

Seventh regiment Texas mounted volunteers, Lieutenant-Colonel Sutton's command, killed two, wounded twenty-six.

Total killed thirty-six, wounded one hundred and fifty-nine, missing one.

Since which time Lieutenant-Colonel Sutton, of the Seventh, and two privates of the Fifth, and two of Teel's battery have died from wounds received in battle.

The enemy's loss was far greater than ours. The precise number cannot be ascertained by us, as many were killed in the river, and as the enemy's white flag, asking permission to gather up their dead and wounded, came almost before the sound of the last cannon had ceased to reverberate in the hills. It is confidently asserted and believed, by many of our officers and men, that the enemy, under the flag of truce, picked up many small arms, and carried them off with the dead-wagons; that they also carried off their twenty-four pound howitzers, which were left by them in the river. It is certain that, during the cessation of hostilities, they picked up a company flag and guidon of my regiment, left on the field during our charge, while they were gathering up their wounded and dead; and, it is said, these are considered by them as trophies. I do not believe the commanding officer of the enemy is aware of these facts, as he would not have spoken of stolen flags as trophies.

I think, from the best information in my possession, that the enemy's loss must have been, in killed and wounded, at least three hundred and fifty or four hundred. Among their killed were several gallant officers.

The gallant McRea fell at his guns. Several other captains and lieutenants were killed. Captain Rosell, of the Tenth U. S. infantry, and several privates of the Fifth and Tenth infantry, and Denver City volunteers were taken prisoners.

Respectfully submitted.

THOMAS GREEN,
Colonel Third Regiment T. M. V.

REPORT OF COLONEL W. R. SCURRY.

VALVERDE, NEW-MEXICO, Feb. 22, 1862.

A. M. Jackson, A. A. G. Army of New-Mexico:

MAJOR: Early on the morning of yesterday, while the army was encamped on the east side of the Rio Grande, opposite Fort Craig, I received orders to march with my command, (Fourth regiment T. M. V.,) and take possession at as early an hour as practicable of some point on the river above Fort Craig, at which water might be obtained. By eight o'clock the regiment took up the line of march, accompanied by Captain George Frazier, of Major Pyron's battalion (with his company) acting as guide for the command. Supposing that we were the advance of the army, to prevent surprise, I ordered Major Ragnet to take the advance, with four companies, and Captain Frazier's company, throwing out at the same time front and flank patrols. In a short time I learned

that Major Pyron, with one hundred and eighty men, was in our advance. Aware of the great vigilance of that active officer, I recalled Major Ragnet and reunited the regiment. A report was received from Major Pyron that the road was clear of the enemy, and the river in sight. But in a short time a second message was received, through Captain John Phillips, from the Major, informing me that large masses of the enemy were in his front and threatening an attack. As his force was but small, I was fearful that he would be overpowered before we could reach him, and accordingly pushed forward, guided by Captain Phillips, as rapidly as our horses could carry us, to his relief, and found him gallantly maintaining a most unequal contest against vastly superior numbers. Dismounting my command, we formed on his right and joined in the conflict. For near two hours we held our position in front of an enemy now known to be near five thousand strong, while our own forces were not over seven hundred in number. Immediately, upon reaching the field, Captain Frazier joined the command to which he belonged, where he did good service during the remainder of the day.

Upon opening fire with the light howitzer battery, under Lieut. John Riley, it was found to be ineffectual against the heavier metal of the enemy. It was therefore ordered to cease firing and be withdrawn under cover.

At about one o'clock, Captain Teel, with two guns of his battery, reached the ground. Being placed in position on our right, he opened a galling fire upon the left flank of the enemy, whereupon the enemy commenced a furious cannonade upon him from their entire battery, consisting of eight guns. So heavy was their fire that the Captain soon found himself with but five men to work the two guns. A bomb exploding under his pieces had set the grass on fire; still this gallant officer held his position and continued his firing upon the enemy, himself seizing the rammer and assisting to load the piece.

Seeing his situation, I ordered Lieutenant Riley, with his command, to join him, and assist in the efficient working of his guns. During the balance of the day, this brave little band performed the duty assigned them. Judging by the heavy firing on the left that Major Pyron was hard pressed, Captain Teel, with more of his guns, which had just reached the ground, was despatched to his relief. Major Ragnet, with four companies of the regiment, was ordered to maintain our position there. I remained on the right with the balance of my command and two pieces of Teel's battery, under Lieutenant J. H. McGinness, to hold in check the enemy, who were moving in large force in that direction, to turn our flank. About this time Major Lockridge, of the Fifth regiment, arrived on the field and reported himself, with a portion of that command. He was ordered to join our troops on the left. During all this time the fire of the enemy had been extremely heavy, while, owing to the shorter range of most of our guns, our fire was reserved until they should approach sufficiently near our posi-

tion to come within range of our arms, when they were invariably repulsed with loss. Soon after the arrival of Major Lockridge, Colonel Green reached the field and assumed command. At about three o'clock in the afternoon, in extending our line to prevent the enemy from turning our right, I found myself with only two companies (Captain Hardeman's and Crosson's) opposed to a force numbering some four hundred men, the other four companies being several hundred yards to my left. It was here that that daring charge was made by Captain Lang, of the Fifth regiment, with a small body of lancers. But desperate courage was ineffectual against great odds and superior arms; and this company then sustained the greatest loss of life of any company of the brigade. This charge, otherwise unfortunate, had the effect of bringing the enemy within range of our guns, when the two pieces of Captain Teel's battery and the small arms of Captains Hardeman's and Crosson's companies opened an effective fire upon them, before which they rapidly retreated with considerable loss. Just before sunset, Lieutenant Thomas P. Ochiltree, of General Sibley's staff, brought an order to prepare for a charge all along the line.

All prepared for its prompt execution, and when the words "Up, boys, and at them!" was given, straight at their battery of six guns, supported by columns of infantry and cavalry, some seven hundred yards in front of our position, went our brave volunteers, unmindful of the driving storm of grape and canister and musketballs sent hurling around them. With yells and ringing shouts they dashed on and on, until the guns were won and the enemy in full retreat before them. After carrying the battery, their guns were turned upon themselves, Captains Hardeman and Walker manning those on the right. Lieutenant Ragnet, of Riley's battery, being on the ground, I placed one gun in his charge, manning it with such of the men as were nearest. The rammer being gone, a flag-staff was used in its stead. Captain Teel, coming up, an effective fire was kept up as long as the enemy was in reach. In the mean time, a most timely and gallant charge was made by Major Ragnet from our left, thus effecting a favorable diversion at the moment of our charge upon their battery. This charge by Major Ragnet and his command was characterized by desperate valor.

In the last brilliant and successful charge which decided the fortunes of the day, there were six companies of the Fourth regiment T. M. V., under their respective captains, (Hardeman, Crosson, Lesner, Foard, Hampton and Nunn.) Besides those I saw Captains Shropshire, Kilsough, and McPhail, of the Fifth regiment, and Captain Walker, of Major Pyron's battalion.

The brave and lamented Major Lockridge, of the Fifth regiment, fell almost at the muzzle of the enemy's guns.

Major Pyron was also in the thickest of the fray, and contributed much by his example to the success of the charge, as did also Lieutenant Ochiltree, of the General's staff.

There were others there whom I now regret my inability to name. Where all, both officers and men, behaved so well, it is impossible to say who is the most deserving of praise. The enemy retired across the river and were in full retreat, when Major Ragnet, Captains Shannon, Adair, Alexander, Buckholdt, and Lieutenant Shurmond, reached the field with their companies mounted. I asked and obtained permission from Colonel Green to cross the river with these companies to pursue the flying foe.

When the head of the column reached the opposite shore, we were ordered to return. Night closed in on the hard-won field of Valverde. This brilliant victory, which, next to heaven, we owe to the heroic endurance and unfaltering courage of our volunteer soldiers, was not won without loss. Of the regiment which I have the honor to command, there were eight killed and fifty-six wounded, two of which were mortal. It affords me great pleasure to be able to bear testimony to the calm, cool, and discriminating courage of Colonel Thomas Green during the fight. Major Pyron, also, deserves great credit for his soldierly bearing from the commencement to the close of the battle. Of the General's staff, Major Jackson was early on the ground, as was also Major Brownrigg, Captain Dwyer, and Lieutenant Ochiltree, actively engaged in the discharge of the duties assigned them. Each of these gentlemen exhibited that high courage which I hope will ever distinguish the officers of the army. To Majors Jackson and Brownrigg I am under obligations for valuable aid in the early part of the action. It is due to the Adjutant of this regiment, Ellsbury R. Lane, that I should not close this report without stating that he was actively and bravely engaged in the discharge of his duties, on horseback, until his horse failed, when, taking a gun, he entered the ranks of Captain Hampton's company, and did duty as a private during the remainder of the day.

I have the honor to be, very respectfully,

Your obedient servant,

W. R. SCURRY,

Lieutenant-Colonel Commanding Fourth Regiment T. M. V.

REPORT OF MAJOR HENRY W. RAGNET.

CAMP VALVERDE, ARMY NEW-MEXICO, February 22, 1862.

To A. M. Jackson, A. A. General, Army New-Mexico:

MAJOR: About sunrise on the twenty-first instant, whilst in camp opposite Fort Craig, I was ordered by Lieutenant-Colonel Scurry to take four companies of the Fourth Texas mounted volunteers, to which would be added Captain Frazier's company from Major Pyron's battalion, and march as an advance to the river at the best point for approaching it above the Fort, supposed to be about six miles distant. After marching about three miles I was ordered to halt and join Lieutenant-Colonel Scurry, who was approaching with other companies of the regiment and Lieut. Riley's artillery.

Our course was then changed for a nearer point on the river. After a half-hour's march,

whilst descending a canon, the rapid advance of the head of our column gave notice that we were approaching the enemy. And emerging into the valley, the firing of skirmishers told that Major Pyron, who had been marching on our left flank, was already engaged with the enemy. A half-mile gallop brought us within range of the enemy's artillery, when Lieutenant-Colonel Scurry ordered us to dismount and advance, when we were soon within range of their small arms, and took position on the right of Major Pyron, behind a low bank, about nine A.M. After we had taken this position about half an hour, the enemy moved up on our right with the evident intention of flanking us, which at the time would have been fatal; when Lieut.-Colonel Scurry, dividing the command, assigned that position to me, and moved up to the position occupied by him during the day, and checked their advance.

The troops at this time with me were Major Pyron, with his battalion of one hundred and eighty men, under Captains Walker, Stafford, and Frazier, Lieutenants Nicholson and Jett, four companies of the Fourth regiment, under Captains Scarborough, Buckholt, Harvell, and Alexander. About noon, one piece of Captain Teel's battery, under Lieutenant Bradford, was added to my position, which did good service until the heavier metal of the enemy silenced it. Soon after the arrival of this gun, Major Lockridge arrived with three companies of the Fifth regiment Texas mounted volunteers, under Captains Shropshire, Campbell, and Ragsdale, and Major Pyron and Lieut. Bradford's commands were withdrawn to the right. Major Lockridge called my attention to the gun, which had been partly disabled and silenced on our left at the foot of the Mesa, where it had been placed in an endeavor to disable the enemy's battery on the west bank of the river. I ordered company B, Fourth regiment, Captain Scarborough, to the rescue, and with part of that company under their captain and Sergeant Nelson, of company H, Fourth regiment, Captain Alexander, and some of that company, I succeeded in drawing the gun by hand from its perilous position, amid the hottest cannonading on that part of the field, losing only one man killed and a few wounded.

The horses of this gun had nearly all been killed by the enemy's artillery. This gun was then used by three of Lieut. Riley's company, assisted by a few others, until I ordered the fire discontinued, for want of gunners, leaving it double-shotted to await an anticipated charge of the enemy. The enemy threatened us in such great numbers, and their fire was so heavy, that Major Lockridge and myself each sent messengers to Colonel Green for reinforcements, failing to get which, Major Lockridge deemed it prudent to fall back to a sand-bank, about one hundred yards in our rear, which was done by companies, after the artillery and the wounded had been removed. This gave us a better position, as the ground was somewhat broken in front.

The section of Teel's artillery was now withdrawn to the right, leaving only one howitzer

under Lieut. Wood, who had arrived at our new position. Lieut.-Colonel Sutton now arrived on the field, approaching in our rear, when a messenger was despatched, asking that he be ordered to remain by us.

He soon marched up to the right, and then returned. Major Lockridge now told me that we were to move up and join the forces on the right, for a charge, that he would cover any movement to get my horses which were on the left and rear. Ordering the companies of the Fourth regiment to horse, I soon marched up on the right, in the rear of the rest of the command, dismounted, and ordering the companies then with me, under Captains Buckholt, Harvell, and Alexander, of the Fourth, and Captain Ragsdale, of the Fifth, into line to advance.

Colonel Green rode up and ordered me to reserve my command for a charge as cavalry. No sooner were we mounted, than an order came by Major Pyron to move down to the left, and menace the enemy now flanking us in large force. Marching down to within six hundred yards, I dismounted my command under cover, when I was joined by Captain Scarborough, of the Fourth, and received an order through Captain Dwyer to charge the enemy.

Aligning in single rank, I charged to within about one hundred yards of the enemy's lines, composed of infantry, supported by cavalry on each flank and in the rear, and by artillery on their right, when, looking back, I saw great confusion from the wounded and falling horses, for we had aligned and advanced under the heavy fire of their infantry and artillery. I thought we could not break their lines, and ordered my command to fall back, and rally at the sand-bank which we had left on our rear and left. When I had arrived at the sand-bank, I found that most of my command had passed it for some others still on their left, and that the position was untenable, as the enemy's artillery now raked it. I ordered those there to follow those yet in advance, and, rallying, we could return. Finding Lieutenant Wood with one howitzer, uselessly exposed under the enemy's fire, I ordered him to a position between the enemy and the train, to protect it as well as he could, and, ordering such of my command as I met to join in the action on the right, I galloped down, then too late, however, to participate in that brilliant charge which gave us the victory.

A few moments after reaching the river-bank, Lieut.-Colonel Scurry asked permission of Colonel Green to cross and pursue the enemy with some fresh companies that had just come up, which permission being granted, I joined with my command, who were present, and, as the head of our column gained the opposite shore we were ordered back. Shortly after the arrival of the flag of truce ended the battle of Valverde after sunset. During the entire day my position on the left was under a constant fire of the enemy's heaviest artillery and their small arms, whose longer range enabled them to keep out of our small arm range.

When they threatened an advance, and would reach our aim, they were repulsed.

The gallant Major Lockridge, of the Fifth, whilst in command of the left, won the admiration of all who saw him, and whose regrets are now mingled with those of his other friends at his death. The brave Harvell, of this command, who fell in the charge he had so impatiently waited for, added another to the list of our gallant dead at Valverde. For the officers and privates whom I had the honor to command on that day, I can well say that they have never faltered in their dangerous duty; and for those, less than two hundred, whom I led to the charge, against more than eight times their numbers, together with artillery, the recital of the act is their praise. This charge, though at the cost of nearly one fifth the men and horses in killed and wounded, succeeded in checking the flank movement of the enemy in time to enable the charge which won the day to be made.

Very respectfully your obedient servant,

HENRY W. RAGNET,
Major Fourth Regiment T. M. V.

REPORT OF MAJOR C. S. PYRON.

SOCORO, NEW-MEXICO, February 27, 1862.

Major A. M. Jackson, Assistant Adjutant-General, Army of New-Mexico:

MAJOR: On the morning of the twenty-first instant, I left our camp opposite Fort Craig, with one hundred and eighty men of my company, under Captains Walker and Stafford, Lieutenant Nicholson, of Captain Crosswood's spy company, and Lieutenant Jett, company B, Second regiment mounted volunteers, to reconnoitre the road leading to the river near Valverde. Upon reaching the river, I could see the water with none of the enemy intervening. I immediately despatched a note to the general commanding, stating the road was clear and the water in sight, and proceeded leisurely to the river to water our horses, they having been over twenty-four hours without water.

When I reached the woods I discovered a body of cavalry which I supposed to be about four companies, and immediately gave chase, they withdrawing to my left. I followed, until reaching the bank of a slough in the bottom, when I found myself in front of a large force of all arms. Immediately my men were formed along the bank, when the action commenced, and for over one hour, by the courage and determination of the men, I was enabled to maintain the position in the unequal struggle, when I was relieved by the Fourth Texas mounted volunteers, under the command of Lieut.-Colonel W. R. Scurry.

For near two hours, our joint commands held opposition against odds of three to one, checking every attempt to outflank us, and checking every effort to drive us back. The arrival of Teel's battery of artillery was the first reinforcement we received, but it was soon followed by Major Lockridge's battalion of the Fifth regiment Texas mounted volunteers, and, at about one

o'clock, Colonel Green reached the field and took command.

Late in the afternoon, a general charge was made along our line, by which a battery of artillery, consisting of six guns, was taken, and their left driven back.

Following rapidly up our successes, the enemy were driven back at all points, and the field of Valverde was won.

It is proper to state that all the officers and men of my command behaved in the most gallant manner, and, where all were equally brave, it would be invidious to particularize. It is sufficient to say that it was a day on which deeds of personal valor were continually occurring.

I cannot consent to close this report without bearing my testimony to the gallant bearing and personal valor of Colonels Green, Scurry, and Sutton, and Majors Ragnet and Lockridge, and others equally courageous.

I have the honor to be, sir,

Yours most respectfully,

C. S. PYRON,

Major Second Texas Mounted Rangers.

R. J. O. GRADY,

Sergeant-Major and Acting Adjutant.

REPORT OF CAPTAIN POWHATAN JORDAN.

IN CAMP NEAR SOCORO, N. M., }
February 27, 1862. }

General H. F. Sibley, C. S. A. :

GENERAL: I have the honor to report the First battalion of Seventh regiment Texas mounted volunteers in the battle of Valverde, N. M., on the twenty-first of February. The First battalion Seventh regiment, under command of Lieutenant-Colonel J. S. Sutton, with companies C and H, of the Fifth regiment, were detailed, as a guard for the transportation, on the morning of the twenty-first. Before the train had gotten fairly out of camp, we were apprised of the fight having commenced at Valverde crossing of the Rio Grande by hearing the sullen roar of cannon.

The train being in danger of attack, we were kept in position as the guard, and all thought for a time, the Seventh would have no share in the conflict, but, in about two hours after the commencement of the battle, an officer appeared with the order for us to move on to the battle-field.

Colonel Sutton detached, from his command, companies A and F, of the Seventh, and company C, of the Fifth, to remain, and then gave the order to forward, when the remainder of his command, consisting of companies B, E, and I, of the Seventh, and F, of the Fifth, moved on to the scene of action. We went in a gallop and were met on the field by Major Lockridge, who ordered us to take position on the left. We were here held for some hour or more, running the gauntlet by countermarch under a most galling and destructive fire from their batteries. While in this position, we lost two men and some three horses killed. The battle having now continued several hours, the charge was ordered, and the Seventh was most gallantly led in the charge by Lieutenant-Colonel Sutton, who fell mortally

wounded when within twenty paces of the enemy's battery.

The battle was now soon ended, and victory was ours, though purchased, by the Seventh, with the death of the heroic Sutton.

The Seventh done its duty bravely, nobly, all acting gallantly. To make mention of individuals would be unjust. They all shared equally the dangers of the field, and all deserve equal praise.

To Captain Prigin and his company, H, of the Sixth, who acted with our command, we must give great credit for their coolness and gallantry, and wish himself and company to share with us whatever credit may fall to our command.

Accompanying is the list of killed and wounded, together with the horses killed in the battle, as furnished me by captains of companies.

I have the honor to be, very respectfully,

Your obedient servant,

POWHATAN JORDAN,

Captain Commanding First Battalion Seventh Regiment T. M. V.
Army N. M.

REPORT OF CAPTAIN T. T. TEEL.

CAMP LOCKRIDGE, N. M., }
February 27, 1862. }

Major A. M. Jackson, Assistant Adjutant-General C. S. A. :

SIR: I have the honor to report to the General commanding the army of New Mexico the operation of the light battery, which I had the honor to command, in the battle of Valverde, New-Mexico, on the twenty-first day of February, 1862.

I received orders on the morning of the twenty-first, at camp, five miles below the battleground, and opposite Fort Craig, to detach one section of the battery under Lieutenant Bradford, to march in the front of the column and head of the train to Valverde, and place the other section and remain myself in rear with the Second regiment of Sibley's brigade, which orders were executed.

About an hour after the head of the column had moved, I received intelligence that a large body of the enemy's cavalry, infantry, and artillery had taken up the line of march for Valverde.

I then placed the section of the battery in command of Lieutenants Bennett and McGinness, and went to the head of the column; before reaching the head of the train, I heard the firing of the advance at Valverde.

I found Lieutenant Bradford, with his section, at the head of the train, and ordered the pieces to the place of firing at a gallop, and in a few minutes it was placed in battery, about the centre of Lieutenant Colonel's Scurry's regiment, and commenced firing upon the battery of the enemy and his line in a few minutes. I lost one man killed, and two wounded, which left but five cannoneers to man the two pieces. I then kept up the fire alternately with the pieces. Finding it impossible to use the pieces with steady and effective fire, I called upon Lieutenant-Colonel Scurry for men to fill up the detachments of the guns, which were immediately sent from Lieu-

tenant Riley's company of howitzers. After sustaining the action for some time, the enemy changed his front. I then placed the section in another position.

Lieutenants Bennett and McGuinness, having by this time reached our line, I ordered them to place their section in battery, which they did, and opened upon the enemy with good effect.

From the great length of the enemy's line, and his superior number, I found it necessary to detach the pieces. Lieutenant Bradford was sent to the extreme left flank with his piece, to support Majors Lockridge and Pyron's commands, which had been engaged with the enemy for more than an hour. Lieutenant McGuinness, with his gun, on the right of Major Lockridge's battalion. Lieutenant Bennett, at the centre of the right flank, and the other piece at the extreme right flank. Lieutenant Riley, with his battery of howitzers, with the left wing, and Lieutenant Woods, with his battery of howitzers, on the right wing. The different pieces and howitzers changed positions, however, during the action, as circumstances required, and were used with effect whenever the enemy presented a front, or his battery in view.

Having received orders that our troops were about to charge the enemy, I placed the guns in battery upon the extreme right flank as a reserve, in case the charge was unsuccessful, so that I could open the line of the enemy with raking shots, or engage his battery until our troops would prevent my firing by their closing with the enemy. The charge was made by our line, and in eight minutes his battery captured and his troops completely routed. Lieutenant Ochiltree, Aid-de-Camp, rode back and ordered the guns forward, which order was executed, and soon the enemy's guns, as well as ours, were opened on his retreating forces. Firing was kept up from our guns until the enemy's rear was out of range of them; I then ordered the firing to cease.

I lost four men killed, including two which died the day after the battle, and six wounded; twenty-five horses killed and wounded, one gun partially disabled, and eight sets of harness rendered unserviceable. I refer, with great pleasure, to the gallant conduct of Lieutenants Bennett, McGuinness, and Bradford, of my company, as well as Lieutenants Riley, Woods, Ragnet, and Falcro, of the batteries of howitzers, also of the non-commissioned officers and privates of all the batteries.

I cannot close my report without bearing testimony to the bravery and coolness of the officers under whom I acted during this sanguinary and well-contested battle. Colonel Green, and especially Lieutenant-Colonel Scurry, who so promptly manned my guns from his regiment, (the First,) and who was present with my guns under the heavy fire in the morning, and whose voice was heard above the din of battle, and smoke, and flame, and death, encouraging the men to stand by their posts. Also the lamented Lockridge; Major Jackson, Assistant Adjutant-

General; Major Brownrigg, Brigade Commissary; Lieutenant-Colonel McNeil, and Lieutenant Ochiltree, Aid-de-Camp, who were rallying the men to the charge, and were in the line leading on the troops; also Captain Dwyer, of the staff, Colonel Roberts, and Major Ragnet. Also the deep obligations I am under to Lieutenant-Colonel Scurry, and Captain Scarborough and his company, who hauled out a disabled piece by hand under a hot fire; to Captains Campbell, McPhail, and Kelloe, and their respective companies, for the promptness and willingness with which they replaced the killed and wounded at my guns; many of their comrades having been killed and wounded while aiding in manning the battery during the action.

Very respectfully,

Your obedient servant,

T. T. TEEL,

Captain Artillery.

COL. SCURRY'S REPORT OF THE BATTLE OF GLORIETTA.

SANTA FE, NEW-MEXICO, March 31, 1862.

To Major A. M. Jackson, A. A. General, Army New-Mexico:

MAJOR: Late on the afternoon of the twenty-sixth, while encamped at Galisteo, an express from Major Pyron arrived with the information that the Major was engaged in a sharp conflict with a greatly superior force of the enemy, about sixteen miles distant, and urging me to hasten to his relief. The critical condition of Major Pyron and his gallant comrades was made known to the command, and in ten minutes the column was formed, and the order to march given. Our baggage-train was sent forward under a guard of one hundred men, under the command of Lieutenant Taylor, of the Seventh regiment, to a point some six miles in the rear of Major Pyron's position; the main command marching directly across the mountains to the scene of conflict. It is due to the brave men making this cold night march to state that, where the road over the mountain was too steep for the horses to drag the artillery, they were unharnessed, and the men cheerfully pulled it over the difficulties of the way by hand. About three o'clock in the morning we reached Major Pyron's encampment at Johnson's rancho in canon Cito. There had been an agreed cessation of hostilities until eight o'clock the next morning. Too much praise cannot be bestowed upon the courage of the officers and men engaged in the affair of the twenty-sixth. As soon as daylight enabled me, I made a thorough examination of the ground, and so formed the troops as to command every approach to the position we occupied, which was naturally a very strong one. The disposition of the troops was soon completed, and by eight o'clock were ready to receive the expected attack. In this position we remained until the next morning. The enemy still not making their appearance, I concluded to march forward and attack them. Leaving a small wagon-guard, I marched in their direction with portions of nine companies of the Fourth regiment, under their respective officers, (Captains Hampton, Lesseure, Foard, Crosson, Geiseher,

Alexander, Buckholt, Odell, and Lieutenant Holland, of company B, Captain Scarborough being unwell,) four companies of the Seventh, under Captains Hoffman, Gardner, Wiggins, and Adair; four companies of the Fifth regiment, under Captains Shannon and Ragsdale, and Lieuts. Oaks and Scott; three pieces of artillery under Lieutenant Bradford, together with Captain Phillips's company of independent volunteers. From details and other causes they were reduced, until, all combined, they did not number over six hundred men fit for duty. At about six miles from our camp the advance-guard gave notice that the enemy were near in force. I hastened in front to examine their position, and found they were about one mile west of "Pigeon's Rancho," in canon Glorietta.

The mounted men who were marching in front were ordered to retire slowly to the rear, dismount, and come into the action on foot. The artillery was pushed forward to a slight elevation in the canon, and immediately to open fire. The infantry were rapidly deployed into line, extending across the canon from a fence on our left up into the pine forest on our right.

About the time these dispositions were made, the enemy rapidly advanced in separate columns, both upon our right and left. I despatched Major Pyron to the right to check them in that direction, and placing the centre in command of Major Ragnet, I hastened with the remainder of the command to the left.

A large body of infantry, availing themselves of a gulch that ran up the centre of an inclosed field to our left, were moving under its cover past our left flank to the rear of our position.

Crossing the fence on foot, we advanced over the clearing some two hundred yards under a heavy fire from the foe, and dashed into the gulch in their midst, pistol and knife in hand. For a few moments a most desperate and deadly hand-to-hand conflict raged along the gulch, when they broke before the steady courage of our men, and fled in the wildest disorder and confusion.

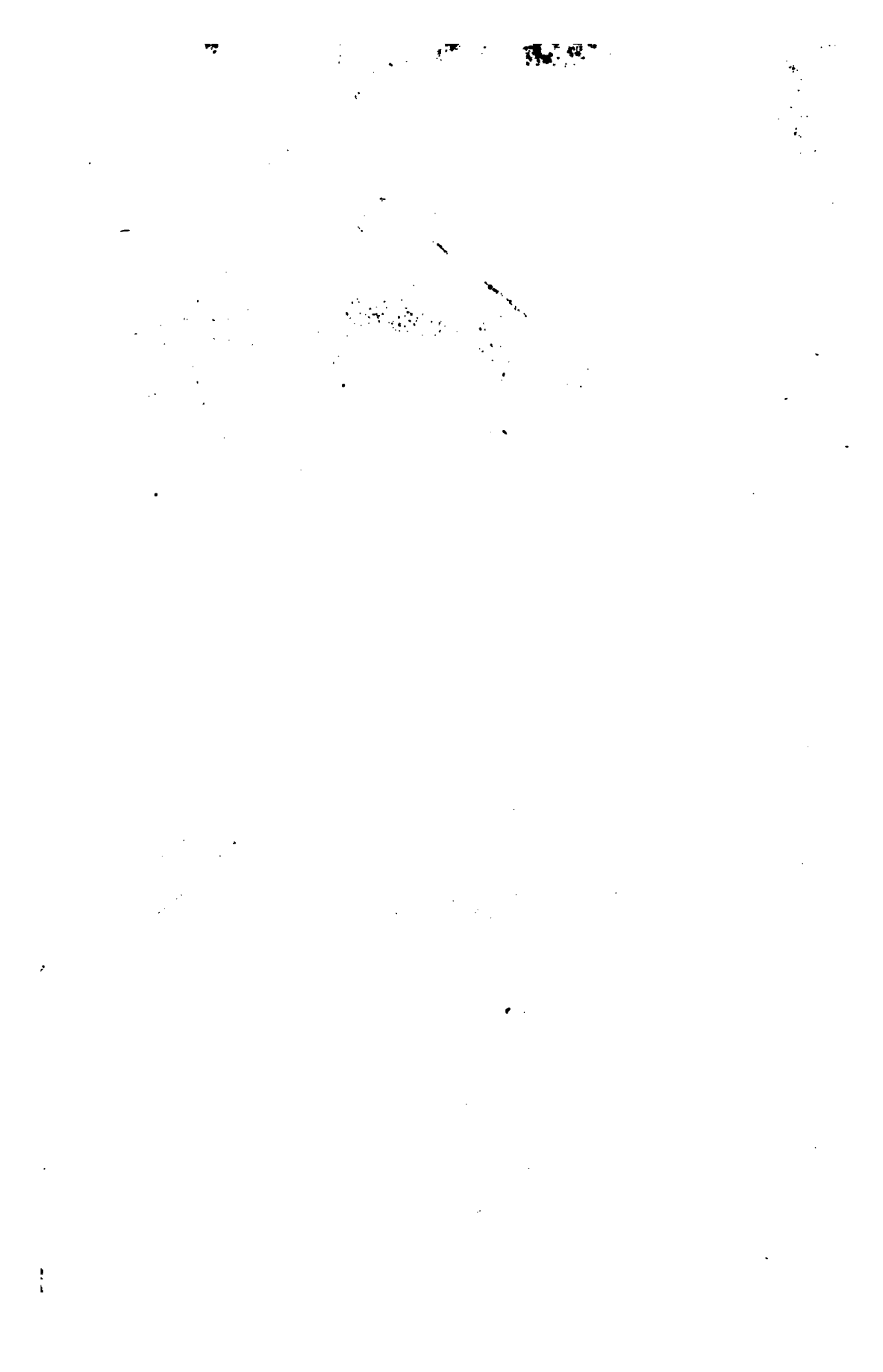
Major Pyron was equally successful, and Major Ragnet, with his force, charged rapidly down the centre. Lieutenant Bradford, of the artillery, had been wounded and borne from the field. There being no other officer of the artillery present, three guns constituting our battery had been hastily withdrawn before I was aware of it.

Sending to the rear to have two of the guns brought back to the field, a pause was made to reunite our forces, which had become somewhat scattered in the last rencountre. When we were ready to advance the enemy had taken cover, and it was impossible to tell whether their main body was stationed behind a long adobe wall that ran nearly across the canon, or had taken position behind a large ledge of rocks in the rear. Private W. D. Kirk, of Captain Phillips's company, had taken charge of one of the guns, and Sergeant Patrick, of the artillery, another, and brought them to the ground. While trying, by the fire of these two guns, to ascertain the locality of the enemy, Major Shropshire was sent to

the right with orders to move up among the pines until he should find the enemy, when he was to attack them on that flank. Major Ragnet, with similar orders, was despatched to the left. I informed these gallant officers that as soon as the sound of their guns was heard I would charge in front with the remainder of the command. Sending Major Pyron to the assistance of Major Ragnet, and leaving instructions for the centre to charge as the fire opened on the right, I passed in that direction to learn the cause of delay in making the assault. I found that the gallant Major Shropshire had been killed. I took command of the right and immediately attacked the enemy, who were at the rancho. Majors Ragnet and Pyron opened a galling fire upon their left from the rock on the mountain side, and the centre charging down the road, the foe were driven from the rancho to the ledge of rocks before alluded to, where they made their final and most desperate stand. At this point three batteries of eight guns opened a furious fire of grape, canister, and shell upon our advancing troops.

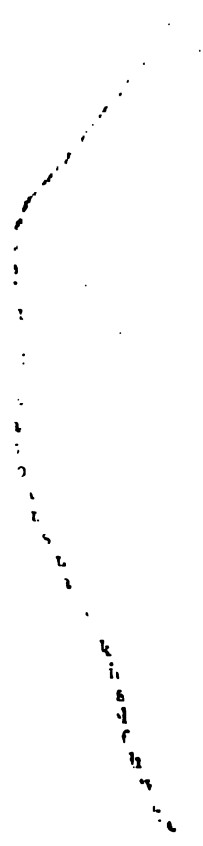
Our brave soldiers, heedless of the storm, pressed on, determined, if possible, to take their battery. A heavy body of infantry, twice our number, interposed to save their guns. Here the conflict was terrible. Our men and officers, alike inspired with the unalterable determination to overcome every obstacle to the attainment of their object, dashed among them. The right and centre had united on the left. The intrepid Ragnet, and the cool, calm, courageous Pyron, had pushed forward among the rocks, until the muzzle of the opposing forces' guns passed each other. Inch by inch was the ground disputed, until the artillery of the enemy had time to escape with a number of their wagons. The infantry also broke ranks and fled from the field. So precipitate was their flight that they cut loose their teams and set fire to two of their wagons. The pursuit was kept up until forced to halt from the extreme exhaustion of the men, who had been engaged for six hours in the hardest contested fight it had ever been my lot to witness. The enemy is now known to have numbered one thousand four hundred men, Pike's Peak miners and regulars, the flower of the United States army.

During the action, a part of the army succeeded in reaching our rear, surprising the wagon-guard, and burning our wagons, taking at the same time some sixteen prisoners. About this time a party of prisoners, whom I had sent to the rear, reached there, and informed them how the fight was going in front, whereupon they beat a hasty retreat, not, however, until the perpetration of two acts which the most barbarous savage of the plains would blush to own. One was the shooting and dangerously wounding the Rev. L. H. Jones, chaplain of the Fourth regiment, with a white flag in his hand; the other an order that the prisoners they had taken be shot in case they were attacked on their retreat. These instances go to prove that they have lost all sense of humanity, in the insane hatred they bear to the citizens of the Confederacy, who have the manli-





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ness to arm in defence of their country's independence.

We remained upon the battle-field during the day of the twenty ninth, to bury our dead and provide for the comfort of the wounded, and then marched to Santa Fe, to procure supplies and transportation, to replace that destroyed by the enemy.

Our loss was thirty-six (36) killed, and sixty (60) wounded. Of the killed, twenty-four were of the Fourth regiment, one of the Fifth regiment, eight of the Seventh regiment, and one of the artillery.

That of the enemy greatly exceeded this number, forty-four of their dead being counted where the battle first opened. Their killed must have exceeded considerably over one hundred.

The country has to mourn the loss of four as brave and chivalrous officers as ever graced the ranks of any army. The gallant Major Shropshire fell early, pressing upon the foe and cheering his men on. The brave and chivalrous Major Ragnet, who fell mortally wounded while engaged in the last and most desperate conflict of the day. He survived long enough to know and rejoice at our victory, and then died with loving messages upon his expiring lips. The brave, gallant Captain Buckholt, and Lieutenant Mills, conducted themselves with distinguished gallantry throughout the fight, and fell near its close. Of the living, it is only necessary to say all behaved with distinguished courage and daring.

This battle proves conclusively that few mistakes were made in the selection of the officers in this command. They were ever in the front, leading their men into the hottest of the fray. It is not too much to say, that even in the midst of this heroic band, among whom instances of individual daring and personal prowess were constantly occurring, Major Pyron was distinguished by the calm intrepidity of his bearing. It is due to Adjutant Ellsbury R. Lane, to bear testimony to the courage and activity he displayed in the discharge of his official duties, and to acknowledge my obligations for the manner in which he carried out my orders.

I have the honor to be, very respectfully,

Your obedient servant,

W. R. SCRERRY,

Colonel Commanding A. N. M.

Doc. 82.

THE EVACUATION OF COLUMBUS.

REPORT OF MAJOR-GENERAL POLK.

HEADQUARTERS FIRST GRAND DIVISION,
ARMY OF THE MISSISSIPPI, HUMBOLDT, }
March 18, 1862.

To Colonel Thomas Jordan, A. G. A., Jackson, Tennessee:

On the day of the evacuation of Columbus I telegraphed General Beauregard. It was accomplished, and I avail myself of the first leisure I have had to submit my official report. Upon receipt of instructions from the War department, through General Beauregard, "to evacuate Co. S. D. 81.

lumbus, and select a defensive position below," I proceeded to arrange and organize a plan for the accomplishment of that object, and to execute it with as much celerity as the safety of my command and the security of the public property at risk would allow. The position below offering most advantages for defensive works, and which it was agreed to adopt, was that embracing Island No. Ten, the main land in Madrid Bend, on the Tennessee shore, and New-Madrid. At the two latter places, works had been thrown up during the last autumn, and measures were already in progress for increasing their strength by the construction of heavy batteries. On the twenty-fifth of February I issued orders for the removal of the sick, as a preparatory step. Orders were also issued by me for the removal of the commissary and quartermaster's stores, then the ordnance stores of every description, and then the heavy guns. These orders were executed promptly and in the most satisfactory manner.

To Brigadier-General McCown was assigned the command of the river defences, at the position chosen. His division was ordered thither on the twenty-seventh. A sufficient number of guns having been placed in battery to make that position secure, all the rest of the troops, excepting the cavalry, moved on the first. General Stuart's brigade going by steamer to New-Madrid, the remainder marching by land to Union City, under General Cheatham. I remained with my staff and the cavalry, to supervise the completion of the work, until the following day. The last shipment of articles of special value being made, the quarters and other building erected by our troops were consigned to the flames by the cavalry, and at three p.m. myself and staff followed our retiring column.

The enemy's cavalry—the first of his forces to arrive after the evacuation—reached Columbus in the afternoon next day, twenty-four hours after the last of our troops had left. In five days we moved the accumulations of six months, taking with us all our commissary and quartermaster's stores—an amount sufficient to supply my whole command for eight months; all our powder and other ammunition and ordnance stores, excepting a few shot and gun-carriages, and every heavy gun in the Fort. Two thirty-two-pounders, in a remote outwork, were the only valuable guns left, and these, with three or four small and indifferent carronades similarly situated, were spiked and rendered useless.

The whole number of pieces of artillery composing our armament was one hundred and forty.

Respectfully, your obedient servant,

L. POLK,
Major-General Commanding.

Doc. 83.

THE DISMISSAL OF MAJOR KEY.

THE following is an exact copy of the record upon which Major John J. Key was dismissed from the military service of the United States.

EXECUTIVE MANSION, WASHINGTON, }
September 26, 1862. }

Major John J. Key:

SIR: I am informed that in answer to the question, "Why was not the rebel army bagged immediately after the battle near Sharpsburgh?" propounded to you by Major Levi C. Turner, Judge-Advocate, etc., you answered: "That is not the game. The object is, that neither army shall get much advantage of the other; that both shall be kept in the field till they are exhausted, when we will make a compromise and save slavery."

I shall be very happy if you will, within twenty-four hours from the receipt of this, prove to me by Major Turner that you did not, either literally or in substance, make the answer stated.

Yours,

A. LINCOLN.

Indorsed as follows:

Copy delivered to Major Key at twenty-five minutes past ten A.M., September twenty-seventh, 1862.

JOHN HAY.

At about eleven o'clock A.M., September twenty-seventh, 1862, Major Key and Major Turner appeared before me. Major Turner says: "As I remember it, the conversation was: I asked the question, Why we did not bag them after the battle of Sharpsburgh? Major Key's reply was, That was not the game; that we should tire the rebels out and ourselves; that that was the only way the Union could be preserved; we come together fraternally, and slavery be saved." On cross-examination, Major Turner says he has frequently heard Major Key converse in regard to the present troubles, and never heard him utter a sentiment unfavorable to the maintenance of the Union. He has never uttered any thing which he, Major T., would call disloyalty. The particular conversation detailed was a private one.

A. LINCOLN.

Indorsed on the above:

In my view it is wholly inadmissible for any gentleman holding a military commission from the United States to utter such sentiments as Major Key is within proved to have done. Therefore, let Major John J. Key be forthwith dismissed from the military service of the United States.

A. LINCOLN.

The foregoing is the whole record, except the simple order of the dismissal at the War Department.

At the interview of Major Key and Major Turner with the President, Major Key did not attempt to controvert the statement of Major Turner, but simply insisted and sought to prove that he was true to the Union. The substance of the President's reply was, that if there was a "game," even among Union men, to have our army not take an advantage of the enemy when it could, it was his object to break up that game.

Doc. 84.

BATTLE OF PITTSBURGH LANDING.

BEAUREGARD'S ORDERS AS TO A MOVEMENT OF TROOPS.*

HEADQUARTERS ARMY OF THE MISSISSIPPI,
CORINTH, MISS., April 3, 1862.

To General S. Cooper, Adjutant and Inspector-General, Richmond:

SPECIAL ORDERS, No. 8.

I. In the impending movements, the corps of this army will march, assemble, and take order of battle in the following manner, it being presumed that the enemy is in position about a mile in advance of Shiloh Church, with the right resting on Owl Creek, and his left on Lick Creek:

1. The *third corps*, under Major-General Hardee, will advance as soon as practicable on the Ridge road from Corinth to what is called the Bark road, passing about half a mile north-west of the workhouse. The head of the column will bivouac, if possible, at Meckey's house, at the intersection of the road from Monterey to Savannah.

The *cavalry*, thrown well forward during the march, will reconnoitre and prevent surprise, will halt in front of the Meckey House on the Bark road.

2. Major Waddell, A. D. C. to General Beauregard, with two good guides, will report for service to Major-General Hardee.

3. At three o'clock A.M., to-morrow, the third corps, with the left in front, will continue to advance by the Bark road until within sight of the enemy's out-posts, on advanced positions, when it will be deployed in line of battle, according to the nature of the ground, its left resting on Owl Creek, its right towards Lick Creek, supported on that flank by half of its cavalry. The left flank being supported by the other half. The interval between the extreme right of this corps and Lick Creek, will be filled with a brigade or division, according to the extent of the ground, from the Second corps. These troops, during the battle, will also be under the command of Major-General Hardee.

He will make the proper disposition of the artillery along the line of battle, remembering that the rifle-guns are of long ranges, and should be placed in very commanding positions in rear of the infantry, to fire mainly on the reserves and second line of the enemy, but occasionally will be divided on his batteries and heads of columns.

II. The *second corps*, under Major-General Braxton Bragg, will assemble at Monterey, and move thence as early as practicable; the right wing with left in front, by the road from Monterey to Savannah; the head of the column to reach the vicinity of Meckey's house, at the intersection of the Bark road, before sunset. The cavalry with this wing will take possession on the road to Savannah, beyond Meckey's, as far as Owl Creek, having advanced-guards and pickets with the front. The left wing of this corps will advance at the same time, also left in front, by

* See page 851 Docs. Vol. IV. REBELLION RECORD.

the road from Monterey to Purdy; the head of the column to reach by night the intersection of that road with the Bark road. This wing will continue the movement in the morning as soon as the rear of the Third corps shall have passed the Purdy road, which it will then follow.

The Second corps will form the second line of battle, about one thousand yards in rear of first line. It will be formed, if practicable, with regiments in double columns at half distance, disposed as advantageously as the nature of the ground will admit, and with a view to facility of development. The artillery placed as may seem best to Major-General Bragg.

III. The *First corps*, under Major-General Polk, with the exception of the detached divisions at Bethel, will take up its line of march by Ridge road, hence to Pittsburgh, half an hour after the rear of the Third corps shall have passed Corinth, and will bivouac to-night in the rear of that corps, and to-morrow will follow the movements of that corps, with the same interval of time as to-day. When the head of column shall have reached the vicinity of the Meckey House, it will be halted in column, or massed on the line of the Bark road, according to the nature of the ground, as a reserve. Meanwhile, one regiment of its cavalry will be placed in observation on the road from Johnston's House to Stantonville. Another regiment or battalion of cavalry will be posted in the same manner on the road from Monterey to Purdy, with the rear resting on or about the intersection of that road with the Bark road, having advanced-guards and pickets in the direction of Purdy.

The forces at Bethel and Purdy will defend their positions as already instructed, if attacked, otherwise they will assemble on Purdy, and thence advance, with advanced-guards, flankers, and all other prescribed military precautions, by the road thence to Monterey, forming a junction with the rest of the First corps, at the intersection of that road with the Bark road, leading to Corinth.

IV. The *reserve* of the forces will be concentrated, by the shortest and best routes, at Monterey as soon as the rear of the Second corps shall have moved out of that place. Its commander will take up the best position whence to advance as required, either in the direction of Meckey's or of Pratt's house, on the direct road to Pittsburgh, if that road is found practicable, or in the direction of the Ridge road to Hamburg, throwing all its cavalry on the latter road, as far as its intersection with the one to Pittsburgh, passing through Grierford or Lick Creek.

This cavalry will throw well forward advanced-guards and videttes toward Grierfield, and in the direction of Hamburg, and during the impending battle, when called to the field of combat, will move by the Grierfield road.

A regiment of the infantry reserve will be thrown forward to the intersection of the Grand Hill road to Hamburg, as a support to the cavalry.

The *reserve* will be formed of Breckinridge's, Bowen's, and Salhem's brigades, as now organ-

ized, the whole under Brigadier-General Breckinridge.

V. General Bragg will detach the Fifty-first and Fifty-second regiments of Tennessee volunteers, Blount's Alabama, and Desha's Arkansas battalions, and Bain's battery from his corps, which, with two of Carroll's regiments, now *en route* for the headquarters, will form a garrison for the post and depot at Corinth.

VI. Strong guards will be left on the railroad bridges between Iuka and Corinth, to be furnished in due proportion from the commands of Iuka, Burnsville, and Corinth.

VII. Proper guards will be left at the camps of the several regiments of the forces on the field. Corps commanders will determine the force of the guards.

VIII. Wharton's regiment of Texas cavalry will be ordered forward at once to scout on the road from Monterey to Savannah, between Meckey's and its intersection with the Pittsburgh Purdy road. It will annoy and harass any force of the enemy coming that way to assail Cheatham's division at Purdy.

IX. The chief engineer of the forces will take all due measures and precautions, and give requisite orders for the repairs of all the bridges, causeways, and roads on which our army may move in the execution of their orders.

X. The troops, individually so intelligent, and with such a grand interest involved in the issue, are urgently enjoined to be obedient and observant of the orders of their superiors in the hour of battle. Their officers must constantly keep them in hand, and prevent the waste of ammunition by heedless firing. The fire should be slow, always, at a *distant mark*. It is expected that much and effective work will be done with the bayonet.

By command of General A. S. JOHNSTON.

THOMAS JORDAN,
A. A. General.

(B.)

KILLED, WOUNDED, AND MISSING IN THE BATTLE OF SHILOH, GENERAL BEAUREGARD COMMANDING.

First corps—Major-General Polk; First division, Brigadier-General Clark; First brigade, Colonel R. M. Russell; killed, ninety-seven; wounded, five hundred and twelve. Second brigade, Brigadier-General A. P. Stewart; killed, ninety-three; wounded, four hundred and twenty-one; missing, three. Second division, Major-General Cheatham; First brigade, Brigadier-General B. R. Johnson; killed, one hundred and twenty; wounded, six hundred and seven; missing, thirteen. Second brigade, Colonel W. H. Stephens; killed, seventy-five; wounded, four hundred and thirteen; missing, three. Total—killed, three hundred and eighty-five; wounded, one thousand nine hundred and fifty-three; missing, nineteen.

Second Corps—General Bragg; First division, Brigadier-General Ruggles; First brigade, Colonel Gibson; killed, ninety-five; wounded, four hundred and eighty-eight; missing, ninety. Second brigade, Brigadier-General Anderson; killed,

sixty-seven; wounded, three hundred and thirteen; missing, fifty. Third brigade, Colonel Pond; killed, eighty-nine; wounded, three hundred and thirty-six; missing, one hundred and sixty-seven. Second division, Brigadier-General Withers; First brigade, Brigadier-General Gladden; killed, one hundred and twenty-nine; wounded, five hundred and ninety-seven; missing, one hundred and three. Second brigade, Brigadier-General Chalmers; killed, eighty-two; wounded, three hundred and forty-three; missing, twenty-nine. Third brigade, Brigadier-General Jackson; killed, ninety-one; wounded, three hundred and sixty-four; missing, one hundred and ninety-four. Total—killed, five hundred and fifty-three; wounded, two thousand four hundred and forty-one; missing six hundred and thirty-four.

Third Corps—Major-General Hardee, First brigade, Brigadier-General Hindman; killed, one hundred and nine; wounded, five hundred and forty-six; missing, thirty-eight. Second brigade, Brigadier-General Cleburn; killed, one hundred and eighty-eight; wounded, seven hundred and ninety, missing, sixty-five. Third brigade, Brigadier-General Wood; killed, one hundred and seven; wounded, six hundred; missing, thirty-eight. Total—Killed, four hundred and four; wounded, one thousand nine hundred and thirty-six; missing, one hundred and forty-one.

Reserve—Major-General Breckinridge, First Kentucky brigade, Colonel Trabue; killed, one hundred and fifty-one; wounded, five hundred and fifty-seven; missing, ninety-two. Second brigade, Brigadier-General Bowen; killed, ninety-eight; wounded, four hundred and ninety-eight; missing, twenty-eight. Third brigade, Colonel Statlam; killed, one hundred and thirty-seven; wounded, six hundred and twenty-seven; missing, forty-five. Total—Killed, three hundred and eighty-six; wounded, one thousand six hundred and eighty-two; missing, one hundred and sixty-five.

Recapitulation—Killed, one thousand seven hundred and twenty-eight; wounded, eight thousand and twelve; missing, nine hundred and fifty-nine; total, ten thousand six hundred and ninety-nine.

(C.)

**LIST OF FLAGS CAPTURED AT THE BATTLE OF SHILOH,
NEAR THE TENNESSEE RIVER, APRIL 6, 1862.**

HEADQUARTERS ARMY OF THE MISSISSIPPI, }
CORINTH, MISS., April 23, 1862. }

Five (5) blue silk regimental colors.

Twenty (20) Federal flags.

One (1) garrison flag.

Two (2) guidons.

THOMAS JORDAN,
A. A. General.

(E.)

FIELD RETURN OF THE ARMY OF THE MISSISSIPPI, BEFORE AND AFTER THE BATTLE OF SHILOH, FOUGHT APRIL SIXTH AND SEVENTH.

HEADQUARTERS ARMY OF THE MISSISSIPPI, }
CORINTH, MISS., April 21, 1862. }

Effective total before battle. Effective total after battle.

First Army Corps, Major-General L. Polk... 9,186 6,779
Second Army Corps, General B. Bragg..... 13,589 9,961

Third Army Corps, Major-Gen. W. J. Hardee, 6,789 4,679
Reserve, Brig.-Gen. John C. Breckinridge... 6,499 4,296
Total Infantry and artillery..... 23,958 23,535
Cavalry, Brigadier-General F. Gardner,.... 4,352 4,351

Grand total..... 40,855 29,686

Difference ten thousand six hundred and ninety-nine, casualties in battle of Shiloh.

The battle-field being so thickly wooded that the cavalry was useless and could not operate at all.

Respectfully submitted and forwarded.

G. T. BEAUREGARD,
General Commanding A. M.

Doc. 85.

CORRESPONDENCE BETWEEN HORACE GREELEY AND PRESIDENT LINCOLN.

THE PRAYER OF TWENTY MILLIONS.

To Abraham Lincoln, President of the United States:

DEAR SIR: I do not intrude to tell you—for you must know already—that a great proportion of those who triumphed in your election, and of all who desire the unqualified suppression of the rebellion now desolating our country, are sorely disappointed and deeply pained by the policy you seem to be pursuing with regard to the slaves of rebels. I write only to set succinctly and unmistakably before you what we require, what we think we have a right to expect, and of what we complain.

I. We require of you, as the first servant of the Republic, charged especially and preëminently with this duty, that you EXECUTE THE LAWS. Most emphatically do we demand that such laws as have been recently enacted, which therefore may fairly be presumed to embody the *present* will and to be dictated by the *present* needs of the Republic, and which, after due consideration, have received your personal sanction, shall by you be carried into full effect, and that you publicly and decisively instruct your subordinates that such laws exist, that they are binding on all functionaries and citizens, and that they are to be obeyed to the letter.

II. We think you are strangely and disastrously remiss in the discharge of your official and imperative duty with regard to the emancipating provisions of the new Confiscation Act. Those provisions were designed to fight Slavery with Liberty. They prescribe that men loyal to the Union, and willing to shed their blood in her behalf, shall no longer be held, with the nation's consent, in bondage to persistent, malignant traitors, who for twenty years have been plotting and for sixteen months have been fighting to divide and destroy our country. Why these traitors should be treated with tenderness by you, to the prejudice of the dearest rights of loyal men, we cannot conceive.

III. We think you are unduly influenced by the councils, the representations, the menaces, of certain fossil politicians hailing from the Bor-

der Slave States. Knowing well that the heartily, unconditionally loyal portion of the white citizens of those States do not expect nor desire that Slavery shall be upheld to the prejudice of the Union—for the truth of which we appeal not only to every Republican residing in those States, but to such eminent loyalists as H. Winter Davis, Parson Brownlow, the Union Central Committee of Baltimore, and to *The Nashville Union*)—we ask you to consider that Slavery is everywhere the inciting cause and sustaining base of treason: the most slaveholding sections of Maryland and Delaware being this day, though under the Union flag, in full sympathy with the rebellion, while the free labor portions of Tennessee and of Texas, though writhing under the bloody heel of treason, are unconquerably loyal to the Union. So emphatically is this the case, that a most intelligent Union banker of Baltimore recently avowed his confident belief that a majority of the present Legislature of Maryland, though elected as and still professing to be Unionists, are at heart desirous of the triumph of the Jeff Davis conspiracy; and when asked how they could be won back to loyalty, replied—"Only by the complete Abolition of Slavery." It seems to us the most obvious truth, that whatever strengthens or fortifies Slavery in the Border States strengthens also treason, and drives home the wedge intended to divide the Union. Had you, from the first, refused to recognize in those States, as here, any other than unconditional loyalty—that which stands for the Union, whatever may become of Slavery—those States would have been, and would be, far more helpful and less troublesome to the defenders of the Union than they have been, or now are.

IV. We think timid counsels in such a crisis calculated to prove perilous, and probably disastrous. It is the duty of a Government so wantonly, wickedly assailed by rebellion as ours has been, to oppose force to force in a defiant, dauntless spirit. It cannot afford to temporize with traitors, nor with semi-traitors. It must not bribe them to behave themselves, nor make them fair promises in the hope of disarming their causeless hostility. Representing a brave and high-spirited people, it can afford to forfeit any thing else better than its own self-respect, or their admiring confidence. For our Government even to seek, after war has been made on it, to dispel the affected apprehensions of armed traitors that their cherished privileges may be assailed by it, is to invite insult and encourage hopes of its own downfall. The rush to arms of Ohio, Indiana, Illinois, is the true answer at once to the rebel raids of John Morgan and the traitorous sophistries of Beriah Magoffin.

V. We complain that the Union cause has suffered, and is now suffering immensely, from mistaken deference to rebel Slavery. Had you, sir, in your Inaugural Address, unmistakably given notice that, in case the rebellion already commenced, were persisted in, and your efforts to preserve the Union and enforce the laws should be resisted by armed force, *you would recognize*

no loyal person as rightfully held in Slavery by a traitor, we believe the rebellion would therein have received a staggering if not fatal blow. At that moment, according to the returns of the most recent elections, the Unionists were a large majority of the voters of the slave States. But they were composed in good part of the aged, the feeble, the wealthy, the timid—the young, the reckless, the aspiring, the adventurous, had already been largely lured by the gamblers and negro-traders, the politicians by trade and the conspirators by instinct, into the toils of treason. Had you then proclaimed that rebellion would strike the shackles from the slaves of every traitor, the wealthy and the cautious would have been supplied with a powerful inducement to remain loyal. As it was, every coward in the South soon became a traitor from fear; for loyalty was perilous, while treason seemed comparatively safe. Hence the boasted unanimity of the South—a unanimity based on rebel terrorism and the fact that immunity and safety were found on that side, danger and probable death on ours. The rebels, from the first, have been eager to confiscate, imprison, scourge, and kill; we have fought wolves with the devices of sheep. The result is just what might have been expected. Tens of thousands are fighting in the rebel ranks to-day, whose original bias and natural leanings would have led them into ours.

VI. We complain that the Confiscation Act which you approved is habitually disregarded by your Generals, and that no word of rebuke for them from you has yet reached the public ear. Fremont's Proclamation and Hunter's Order favoring Emancipation were promptly annulled by you; while Halleck's Number Three, forbidding fugitives from slavery to rebels to come within his lines—an order as unmilitary as inhuman, and which received the hearty approbation of every traitor in America—with scores of like tendency, have never provoked even your remonstrance. We complain that the officers of your armies have habitually repelled rather than invited the approach of slaves who would have gladly taken the risks of escaping from their rebel masters to our camps, bringing intelligence often of inestimable value to the Union cause. We complain that those who *have* thus escaped to us, avowing a willingness to do for us whatever might be required, have been brutally and madly repulsed, and often surrendered to be scourged, maimed, and tortured by the ruffian traitors, who pretend to own them. We complain that a large proportion of our regular army officers, with many of the volunteers, evince far more solicitude to uphold Slavery than to put down the rebellion. And finally, we complain that you, Mr. President, elected as a Republican, knowing well what an abomination Slavery is, and how emphatically it is the core and essence of this atrocious rebellion, seem never to interfere with these atrocities, and never give a direction to your military subordinates, which does not appear to have been conceived in the interest of Slavery rather than of Freedom.

VII. Let me call your attention to the recent tragedy in New-Orleans, whereof the facts are obtained entirely through pro-slavery channels. A considerable body of resolute, able-bodied men, held in slavery by two rebel sugar-planters in defiance of the Confiscation Act which you have approved, left plantations thirty miles distant and made their way to the great mart of the South-West, which they knew to be in the undisputed possession of the Union forces. They made their way safely and quietly through thirty miles of rebel territory, expecting to find freedom under the protection of our flag. Whether they had or had not heard of the passage of the Confiscation Act, they reasoned logically that we could not kill them for deserting the service of their lifelong oppressors, who had through treason become our implacable enemies. They came to us for liberty and protection, for which they were willing to render their best service; they met with hostility, captivity, and murder. The barking of the base curs of slavery in this quarter deceives no one—not even themselves. They say, indeed, that the negroes had no right to appear in New-Orleans armed, (with their implements of daily labor in the cane-field;) but no one doubts that they would gladly have laid these down if assured that they should be free. They were set upon and maimed, captured and killed, because they sought the benefit of that act of Congress which they may not specifically have heard of, but which was none the less the law of the land—which they had a clear right to the benefit of—which it was *somebody's* duty to publish far and wide, in order that so many as possible should be impelled to desist from serving rebels and the rebellion, and come over to the side of the Union. They sought their liberty in strict accordance with the law of the land—they were butchered or reenslaved for so doing by the help of Union soldiers enlisted to fight against slaveholding treason. It was *somebody's* fault that they were so murdered—if others shall hereafter suffer in like manner, in default of explicit and public direction to your generals that they are to recognize and obey the Confiscation Act, the world will lay the blame on *you*. Whether you will choose to hear it through future history and at the bar of God, I will not judge. I can only hope.

VIII. On the face of this wide earth, Mr. President, there is not one disinterested, determined, intelligent champion of the Union cause who does not feel that all attempts to put down the rebellion and at the same time uphold its inciting cause are preposterous and futile—that the rebellion, if crushed out to-morrow, would be renewed within a year if Slavery were left in full vigor—that army officers who remain to this day devoted to Slavery can at best be but half-way loyal to the Union—and that every hour of deference to Slavery is an hour of added and deepened peril to the Union. I appeal to the testimony of your Embassadors in Europe. It is freely at your service, not at mine. Ask them to tell you candidly whether the seeming subserviency of your policy to the slaveholding, slavery-upholding interest, is not the perplex-

ity, the despair of statesmen of all parties, and be admonished by the general answer!

IX. I close as I began with the statement that what an immense majority of the loyal millions of your countrymen require of you is a frank, declared, unqualified, ungrudging execution of the laws of the land, more especially of the Confiscation Act. That act gives freedom to the slaves of rebels coming within our lines, or whom those lines may at any time inclose—we ask you to render it due obedience by publicly requiring all your subordinates to recognize and obey it. The rebels are everywhere using the late anti-negro riots in the North, as they have long used your officers' treatment of negroes in the South, to convince the slaves that they have nothing to hope from a Union success—that we mean in that case to sell them into a bitter bondage to defray the cost of the war. Let them impress this as a truth on the great mass of their ignorant and credulous bondmen, and the Union will never be restored—never. We cannot conquer ten millions of people united in solid phalanx against us, powerfully aided by Northern sympathizers and European allies. We must have scouts, guides, spies, cooks, teamsters, diggers, and choppers from the blacks of the South, whether we allow them to fight for us or not, or we shall be baffled and repelled. As one of the millions who would gladly have avoided this struggle at any sacrifice but that of principle and honor, but who now feel that the triumph of the Union is indispensable not only to the existence of our country but to the well-being of mankind, I entreat you to render a hearty and unequivocal obedience to the law of the land.

Yours,

HORACE GREELEY.

New-York, August 19, 1862.

PRESIDENT LINCOLN'S LETTER.

EXECUTIVE MANSION,
WASHINGTON, August 22, 1862. }

Hon. Horace Greeley:

DEAR SIR: I have just read yours of the nineteenth, addressed to myself through the New-York Tribune. If there be in it any statements or assumptions of fact which I may know to be erroneous, I do not now and here controvert them. If there be in it any inferences which I may believe to be falsely drawn, I do not now and here argue against them. If there be perceptible in it an impatient and dictatorial tone, I waive it in deference to an old friend, whose heart I have always supposed to be right.

As to the policy I "seem to be pursuing," as you say, I have not meant to leave any one in doubt.

I would save the Union. I would save it the shortest way under the Constitution. The sooner the National authority can be restored, the nearer the Union will be "the Union as it was." If there be those who would not save the Union unless they could at the same time save Slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy Slavery, I do not agree with them. My paramount object in this struggle is to save the Union, and is not either to save

or destroy Slavery. If I could save the Union without freeing *any* slave, I would do it; and if I could save it by freeing *all* the slaves, I would do it; and if I could do it by freeing some and leaving others alone, I would also do that. What I do about Slavery and the colored race, I do because I believe it helps to save this Union; and what I forbear, I forbear because I do *not* believe it would help to save the Union. I shall do *less* whenever I shall believe what I am doing hurts the cause, and I shall do *more* whenever I shall believe doing more will help the cause. I shall try to correct errors when shown to be errors; and I shall adopt new views so fast as they shall appear to be true views. I have here stated my purpose according to my view of *official* duty, and I intend no modification of my oft-expressed *personal* wish that all men, everywhere, could be free. Yours, A. LINCOLN.

MR. GREELEY'S RESPONSE.

DEAR SIR: Although I did not anticipate nor seek any reply to my former letter unless through your official acts, I thank you for having accorded one, since it enables me to say explicitly that nothing was further from my thought than to impeach in any manner the sincerity or the intensity of your devotion to the saving of the Union. I never doubted, and have no friend who doubts, that you desire, before and above all else, to reestablish the now derided authority and vindicate the territorial integrity of the Republic. I intended to raise only this question—*Do you propose to do this by recognizing, obeying, and enforcing the laws, or by ignoring, disregarding, and in effect defying them?*

I stand upon the law of the land. The humblest has a clear right to invoke its protection and support against even the highest. That law—in strict accordance with the law of Nations, of Nature, and of God—declares that every traitor now engaged in the infernal work of destroying our country, has forfeited thereby all claim or color of right lawfully to hold human beings in Slavery. I ask of you a clear and public recognition that this law is to be obeyed wherever the National authority is respected. I cite to you instances wherein men fleeing from bondage to traitors to the protection of our flag have been assaulted, wounded, and murdered by soldiers of the Union—unpunished and unrebuked by your General Commanding—to prove that it is your duty to take action in the premises—action that will cause the law to be proclaimed and obeyed wherever your authority or that of the Union is recognized as paramount. The Rebellion is strengthened, the National cause is imperilled, by every hour's delay to strike Treason this staggering blow.

When Fremont proclaimed freedom to the slaves of rebels, you constrained him to modify his proclamation into rigid accordance with the terms of the existing law. It was your clear right to do so. I now ask of you conformity to the principle so sternly enforced upon him. I ask you to instruct your Generals and Commo-

dores that no loyal person—certainly none willing to render service to the National cause—is henceforth to be regarded as the slave of any traitor. While no rightful government was ever before assailed by so wanton and wicked a rebellion as that of the slaveholders against our National life, I am sure none ever before hesitated at so simple and primary an act of self-defence as to relieve those who would serve and save it from chattel servitude to those who are wading through seas of blood to subvert and destroy it. Future generations will with difficulty realize that there could have been hesitation on this point. Sixty years of general and boundless subserviency to the Slave Power do not adequately explain it.

Mr. President, I beseech you to open your eyes to the fact that the devotees of Slavery everywhere—just as much in Maryland as in Mississippi, in Washington as in Richmond—are to-day your enemies, and the implacable foes of every effort to reestablish the National authority by the discomfiture of its assailants. Their President is not Abraham Lincoln, but Jefferson Davis. You may draft them to serve in the war; but they will only fight under the Rebel flag. There is not in New-York to-day a man who really believes in Slavery, loves it, and desires its perpetuation, who heartily desires the crushing out of the Rebellion. He would much rather save the Republic by buying up and pensioning off its assailants. His "Union as it was" is a Union of which you were not President, and no one who truly wished Freedom to All ever could be.

If these are truths, Mr. President, they are surely of the gravest importance. You cannot safely approach the great and good end you so intently meditate by shutting your eyes to them. Your deadly foe is not blinded by any mist in which *your* eyes may be enveloped. He walks straight to his goal, knowing well his weak point, and most unwillingly betraying his fear that you too may see and take advantage of it. God grant that his apprehension may prove prophetic.

That you may not unseasonably perceive these vital truths as they will shine forth on the pages of History—that they may be read by our children irradiated by the glory of our National salvation, not rendered lurid by the blood-red glow of National conflagration and ruin—that you may promptly and practically realize that Slavery is to be vanquished only by Liberty—is the fervent and anxious prayer of Yours truly,

HORACE GREELEY.

New-York, August 24, 1862.

Doc. 86.

OPERATIONS IN VIRGINIA.

REPORT OF MAJOR-GENERAL (REBEL) MAGRUDER.

HEADQUARTERS DEPARTMENT PENINSULA,
LEE'S FARM, May 8, 1862.

General S. Cooper, A. and I. G., C. & A.:

GENERAL: Deeming it of vital importance to hold Yorktown, on York River, and Mulberry

Island, on James River, and to keep the enemy in check by an intervening line, until the authorities might take such steps as should be deemed necessary to meet a serious advance of the enemy in the Peninsula, I felt compelled to dispose my forces in such a manner as to accomplish these objects with the least risk possible, under the circumstances of great hazard which surrounded the little army I commanded.

I had prepared, as my real line of defence, positions in advance at Harwood's and Young's Mills. Both flanks of this line were defended by boggy and difficult streams and swamps.

In addition, the left flank was defended by elaborate fortification at Ship Point, connected by a broken line of redoubts crossing the heads of the various ravines emptying into York River and Wormley's Creek, and terminating at Fort Grafton, nearly in front of Yorktown. The right flank was defended by the fortifications at the mouth of Warwick River, and at Mulberry Island Point, and the redoubts extending from the Warwick to the James River.

Intervening between the two lines was a wooded country, about two miles in extent. This wooded line, forming the centre, needed the defence of infantry in a sufficient force to prevent any attempt on the part of the enemy to break through it.

In my opinion, this advanced line, with its flank defences, might have been held by twenty thousand troops. With twenty-five thousand, I do not believe it could have been broken by any force the enemy could have brought against it. Its two flanks were protected by the "Virginia" and the works on one side, and the fortifications at Yorktown and Gloucester Point on the other.

Finding my forces too weak to attempt the defence of this line, I was compelled to prepare to receive the enemy, on a second line, on Warwick River. This line was incomplete in its preparations, owing to the fact that a thousand negro laborers, whom I had engaged in fortifying, were taken from me and discharged, by superior orders, in December last; and a delay of nine weeks consequently occurred before I could reorganize the laborers for the engineers.

Keeping, then, only small bodies of troops at Harwood's and Young's Mills, and at Ship Point, I distributed my remaining forces along the Warwick line, embracing a front from Yorktown to Minor's Farm, of twelve miles, and from the latter place to Mulberry Island Point, one and a half miles. I was compelled to place in Gloucester Point, Yorktown, and Mulberry Island, fixed garrisons, amounting to six thousand men, my whole force being eleven thousand. So that it will be seen that the balance of the line, embracing a length of thirteen miles, was defended by about five thousand men.

After the reconnaissances in great force from Fortress Monroe and Newport News, the enemy, on the third April, advanced and took possession of Harwood's Mill. He advanced in two heavy columns, one along the Old York road, and the other along the Warwick road, and on the fifth

of April appeared simultaneously along the whole front of our line from Minor's Farm to Yorktown. I have no accurate data upon which to base an exact statement of his force, but from various sources of information, I was satisfied that I had before me the enemy's army of the Potomac, under the command of General McClellan, with the exception of the two *corps d'armée* of Banks and McDowell, respectively. Forming an aggregate number of certainly not less than one hundred thousand, since ascertained to have been one hundred and twenty thousand men.

On every portion of my lines he attacked us with a furious cannonading and musketry, which was responded to with effect by our batteries and troops of the line. His skirmishers were also well thrown forward on this and the succeeding day, and energetically felt our whole line, but were everywhere repulsed by the steadiness of our troops. Thus, with five thousand men, exclusive of the garrisons, we stopped and held in check over one hundred thousand of the enemy. Every preparation was made in anticipation of another attack by the enemy. The men slept in the trenches and under arms, but, to my utter surprise, he permitted day after day to elapse without an assault.

In a few days the object of his delay was apparent. In every direction, in front of our lines, through the intervening woods, and along the open fields, earthworks began to appear. Through the energetic action of the government, reinforcements began to pour in, and, each hour, the army of the Peninsula grew stronger and stronger, until anxiety passed from my mind as to the result of an attack upon us.

The enemy's skirmishers pressing us closely in front of Yorktown, Brigadier-General Early ordered a sortie to be made from the redoubts, for the purpose of dislodging him from Palmentary's peach-orchard. This was effected in the most gallant manner by the Second Florida, Colonel Ward, and Second Mississippi battalion, Lieutenant-Colonel Taylor, all under the command of Colonel Ward. The quick and reckless charge of our men, by throwing the enemy into a hasty flight, enabled us to effect, with little loss, an enterprise of great hazard against a superior force, supported by artillery, when the least wavering or hesitation on our part would have been attended with great loss.

The Warwick line, upon which we rested, may be briefly described as follows:

Warwick River rises very near York River, and about a mile and a half to the right of Yorktown. Yorktown and Redoubts Nos. Four and Five, united by long curtains, and flanked by rifle-pits from the left of the line, until at the commencement of the military road it reaches Warwick River—here a sluggish and boggy stream, twenty or thirty yards wide, and running through a dense wood fringed by swamps.

Along this river are five dams, one at Wynne's Mill and one at Lee's Mill, and three constructed by myself. The effect of these dams is to back up the water along the course of the river, so

that nearly three fourths of its distance its passage is impracticable for either artillery or infantry. Each of these dams is protected by artillery and extensive earthworks for infantry.

After eleven days of examination, the enemy seems very properly to have arrived at the conclusion that Dam No. One, the centre of our line, was the weakest point in it, and hence, on the sixteenth April, he made what seems to have been a serious effort to break through at that point.

Early on that morning he opened at that dam a most furious attack of artillery, filling the woods with shells, while his sharp-shooters pressed forward close to our lines.

From nine A.M. to twelve M. six pieces were kept in constant fire against us, and by three P.M. nearly three batteries were directing a perfect storm of shot and shell on our exposed position. We had only three pieces in position at that point, but two of them could not be used with effect, and were rarely fired, so that we were constrained to reply with only one six-pounder, of the Troupe artillery, Cobb's Georgia Legion, Captain Stanley, under the particular charge of Lieutenant Pope.

This piece was served with the greatest accuracy and effect, and by the coolness and skill with which it was handled the great odds against us were almost counterbalanced.

By half-past three P.M., the intensity of the cannonading increasing, heavy masses of infantry commenced to deploy in our front, and a heavy musketry-fire was opened upon us. Under the cover of this continuous stream of fire, an effort was made by the enemy to throw forces over the stream and storm our six-pounder battery, which was inflicting such damage upon them.

This charge was very rapid and vigorous, and before our men were prepared to receive it, several companies of a Vermont regiment succeeded in getting across and occupying the rifle-pits of the Fifteenth North-Carolina volunteers, who were some hundred yards to the rear, throwing up a work for the protection of their camp.

This regiment immediately sprang to arms and engaged the enemy with spirit, under the lead of their brave but unfortunate commander, McKinney, and, aided by the Sixteenth Georgia regiment, repulsed the enemy; but when the gallant McKinney fell, a temporary confusion ensued, which was increased by an unauthorized order to fall back. The enemy renewed the attack with great force.

At this moment, the Seventh and Eighth Georgia, under command of Colonels Wilson and Lamar, respectively, the left of the Sixteenth Georgia, under command of Colonel Goode Bryan, and the two companies of Captains Martin and Burke, of the Second Louisiana, under Colonel Norwood, accompanied by the Fifteenth North-Carolina, with fixed bayonets and the steadiness of veterans, charged the rifle-pits and drove the enemy from them with great slaughter.

Colonel Anderson, commanding his brigade, and the commanding officers of the troops above

mentioned, deserve great praise for the promptness with which they rushed to the conflict and repelled this serious attempt of the enemy.

Subsequently, the enemy massed heavier bodies of troops, and again approached the stream. It was evident that a most serious and energetic attack, in large force, was being made to break our centre, under, it is believed, the immediate eye of McClellan himself; but Brigadier-General Howell Cobb, who was in command at that point, forming the Second Louisiana, Seventh and Eighth Georgia, of Colonel Anderson's brigade, the Fifteenth North-Carolina, Fourteenth Georgia, and Cobb's Legion in line of battle on our front, received the attack with great firmness, and the enemy recoiled, with loss, from the steady fire of our troops, before reaching the middle of the water.

Brigadier-General McLaws, commanding the Second division, of which Cobb's command formed a part, hearing the serious firing, hastened to the scene of action, and exhibited great coolness and judgment in his arrangements. The Tenth Louisiana, Fifteenth Virginia, a part of the Seventeenth Mississippi, and the Eleventh Alabama, were ordered up as reserves, and were placed in position, the Tenth Louisiana marching to its place with the accuracy of a parade drill. The other regiments were assigned positions out of the range of fire.

In addition, General McLaws placed the whole of his division under arms, ready to move as circumstances might require.

Colonel Anderson had led two of his regiments, the Seventh and Eighth Georgia, into action, and held two others in reserve, while Brigadier-General Toombs advanced with his own brigade, under the immediate command of Brigadier-General Semmes, close to the scene of action, and by my order, (having just arrived,) placed two regiments of this brigade in action, retaining the rest as reserves.

These dispositions rendered our position perfectly secure, and the enemy suffering from his two repulses, darkness put an end to the contest.

The dispositions of General McLaws were skillfully made. His whole bearing and conduct is deserving of the highest commendation. I cannot designate all the many gallant officers and privates who distinguished themselves, and respectfully call the attention of the Commanding General to the accompanying reports; but I would fail to do my duty, if I did not specially mention some particular instances. Brigadier-General Cobb, commanding at this point, exhibited throughout the day the greatest courage and skill, and when once, at a critical moment, some troops in his line of battle wavered, he, in person, rallied the troops under a terrible fire, and by his voice and example, entirely reestablished their steadiness.

Brigadier-General Toombs had in the morning, by my order, detached from this division Colonel Anderson's brigade, to support Brigadier-General Cobb, and late in the evening, when ordered forward by me, promptly and energetically led the

remainder of his command under fire, arriving just before the enemy ceased the vigor of his attack, and in time to share its dangers.

Brigadier-General P. J. Semmes commanded Toombs's brigade, the latter being in command of the division, and showed his usual promptness and courage.

Colonel Levy, of Second Louisiana regiment, was the Colonel commanding at Dam No. 1, and evinced judgment, courage, and high soldierly qualities, in his conduct and arrangements, which I desire specially to commend.

Captain Stanley was in command of two pieces of artillery, including the six-pounder, so effectively served. Both he and Lieutenant Pope conducted themselves with skill and courage.

Captain Jordan's piece was in a very exposed place, and was soon disabled after a few rounds, and was promptly withdrawn. Both he and his men exhibited great steadiness, under the terrible fire which swept over them.

The enemy's loss, of course, cannot be accurately estimated, as the greater part of it occurred over on their side of the stream, but I think it could have scarcely been less than six hundred killed and wounded.

Our loss was comparatively trivial, owing to the earthworks, which covered our men, and did not exceed seventy-five in killed and wounded.

All the reinforcements which were on their way to me had not yet joined me, so that I was unable to follow up the action of the sixteenth of April by any decisive step.

The reinforcements were accompanied by officers who ranked me, and I ceased to command.

I cannot too highly commend the conduct of the officers and men of my whole command, who cheerfully submitted to the greatest hardships and deprivations. From the fourth of April to the third of May, this army served almost without relief in the trenches.

Many companies of artillery were never relieved during this long period. It rained almost incessantly. The trenches were filled with water; the weather was exceedingly cold; no fires could be allowed; the artillery and infantry of the enemy played upon our men almost continuously day and night; the army had neither coffee, sugar, nor hard bread, but subsisted on flour and salt meat, and that in reduced quantities; and yet no murmurs were heard. Their gallant commanders of the army of the Potomac, and the department of Norfolk, though not so long a time exposed to these sufferings, shared these hardships and dangers with equal firmness and cheerfulness. I have never seen, and I do not believe that there ever has existed, an army (the combined army of the Potomac, Peninsula, and Norfolk) which has shown itself, for so long a time, so superior to all hardships and dangers.

The best drilled regulars the world has ever seen, would have mutinied under a continued service in the trenches for twenty-nine days, exposed every moment to musketry and shells, in water to their knees, without fire, sugar, or coffee, without stimulants, and with an inadequate

supply of cooked flour and salt meats. I speak of this in honor of those brave men, whose patriotism made them indifferent to suffering, to disease, to danger, and death. Indeed, the conduct of the officers and men was such as to deserve throughout the highest commendation.

I beg leave to invite the attention of the department to the reports which accompany this, and to commend the officers and men there named to the most favorable consideration of the government.

I cannot close this report without publicly bearing testimony to the great and devoted services of the cavalry of the Peninsula, so long under my command, always in the presence of superior forces of the enemy. I owe much of the success, which attended my efforts to keep them within the walls of their fortresses, to the alacrity, daring, vigilance, and constancy of the Third Virginia cavalry, and the independent companies from James City, Matthews, Gloucester, and King and Queen counties.

The services rendered by the officers of my staff have been invaluable. To these I owe my acknowledgments: Captains Brayn and Dickinson, of the Adjutant-General's department; Majors Magruder and Brent, of the Commissary and Ordnance departments respectively; Captain White, Acting Chief Quartermaster; Colonel Cabell, Chief of Artillery; Lieutenant-Colonel Cary, Acting Inspector-General; Lieutenant Douglas, of the Engineers; Lieutenants Eustis and Alston, Aids-de-Camp; Dr. George W. Milden, Acting Staff Officer; Mr. J. R. Bryan, Mr. H. M. Stanard, Mr. D. T. Brashear, and Mr. Henry A. Doyce, who, as volunteer aids, have rendered most important services, and to private E. P. Turner, of the New-Kent cavalry, on duty sometimes in the field, at others in the Assistant Adjutant-General's office.

My thanks are due to Lieutenant-Colonel Ball, of the Virginia cavalry, who for several weeks during the siege acted as a volunteer aid. His conduct on the fifth, in my immediate presence, and under a severe fire of the enemy, was very gallant, and worthy of the high reputation which he won at Manassas.

I am also greatly indebted to Major George Neay, of the One Hundred and Fifteenth Virginia militia, who has aided me in the administration, civil as well as military, of the affairs of the Peninsula, and to Lieutenants Joseph Phillips and Causey, of the confederate army. The local knowledge of these officers has been of great advantage to the service, whilst their intrepidity and enterprise have been in the highest degree conspicuous on every occasion.

I cannot express too strongly my estimate of the services rendered by my Chief Quartermaster, Major Bloomfield. Soon after he took charge, he introduced order, promptness, and economy, in the management of his department.

The scarcity of supplies and materials was so great as to make it almost impossible to procure them.

The genius, energy, and extraordinary industry of Major Bloomfield, however, overcame all

obstacles, and enabled the army of the Peninsula to move, to march, and to fight, with the regularity of a machine.

This statement is made in justice to Major Bloomfield, who is absent, on account of sickness, at the time that I write.

I ask the attention, also, of the government to the valuable services rendered by Mr. William Morris, of Baltimore, the signal officer, in charge of the signal service of the Peninsula, and to those of his efficient assistant, Lieutenant Lindsay, of the Fifteenth Virginia regiment.

It is but just to Colonel Charles A. Crump, that I should bear testimony to the zeal, gallantry, and decided ability with which he performed the various duties of commander of the post at Gloucester Point, during the year in which he was under my command. He was worthily supported, on all occasions, by Lieutenant-Colonel P. R. Page, and the other officers and men constituting his force.

That accomplished officer, Captain Thomas Jefferson Page, of the navy, successfully applied the resources of his genius and ripe experience to the defence of Gloucester Point, whilst the important work opposite was commanded with devoted zeal and gallantry by Brigadier-General Rains.

My thanks are due to Captain Chatard, of the navy, for valuable services as inspector of batteries, and to Lieutenant-Colonel Noland, late of the navy, the efficient commander of the batteries at Mulberry Island Point.

That patriotic and scientific soldier, Colonel B. S. Ewell, rendered important services to the country during my occupation of the Peninsula, as did Colonel Hill Carter, the commander at Jamestown, and his successor, Major J. R. C. Lewis.

I should fail in my duty to the country, and especially to the State of Virginia, if I neglected to record the self-sacrificing conduct of Captain William Allen, of the artillery.

At the very commencement of the war, this gentleman erected, at his own expense, on Jamestown Island, extensive fortifications for the defence of the river, and from that time until he was driven from his home, he continued to apply the resources of his large estate to the benefit of his country. And so great and disinterested were his zeal and devotion as an officer, that he lost almost the whole of his immense possessions in endeavoring to remove the public property committed to his charge, and that of the commanding officers. I cannot commend his conduct as an officer too highly to the government, nor his patriotism as a citizen too warmly to the love and respect of his countrymen.

To Captain Rives, Captain St. John, Captain Clark, and Captain Dimmock, of the engineers, and their able assistants, the country is greatly indebted for the formidable works which enabled me to meet and repulse with a very small force the attack of an army of over one hundred thousand well-drilled men, commanded by the best officers in the service of the enemy.

The steadiness and heroism of the officers and

men of the artillery of the Peninsula, both heavy and light, were very conspicuous during the attack on the fifth April, and throughout the siege which followed. The high state of efficiency of this arm of the service was mainly due to Colonel George W. Randolph, chief of artillery on my staff, who applied to its organization discipline, and preparation for the field, the resources of his great genius and experience.

To this intrepid officer and distinguished citizen, the country is indebted for the most valuable services, from the battle of Bethel, where his artillery principally contributed to the success of the day, to the period when he was removed from my command by promotion. He was ably assisted by Lieutenant Colonels Cabell and Brown, of the same corps. The medical officers deserve the highest commendation for the skill and devotion with which they performed their duty in this sickly country.

To Captain Ben Harrison and Lieutenant Hill Carter, Jr., and their admiral troop, the Charles City cavalry, I am also indebted for meritorious services under my own eye on numerous occasions.

I have the honor to be, very respectfully, your obedient servant,
J. BANKHEAD MAGRUDER,
Major-General.

REPORT OF BRIGADIER-GENERAL McLAWS.

HEADQUARTERS SECOND DIVISION,
RIGHT FLANK LEE'S FARM, April 30, 1862. }

To Captain A. G. Dickinson, Assistant Adjutant-General:

On the sixteenth instant, between two and three P.M., my attention was attracted by an increase in the intensity of fire which had been heard during the morning from the direction of Dam No. 1. Thinking that perhaps a real attack was intended at that point, I ordered forward the Tenth Louisiana, Fifteenth Virginia, and four companies of the Seventeenth Mississippi, and rode toward the Dam, ordering up on my way the Eleventh Alabama, also, to act as reserve to Dam No. 2, and directed my whole command, artillery, infantry, and dragoons, to be under arms, and ready to obey any order at once. I then joined General Cobb. The firing at this time, from both cannon and small arms, was very heavy and constant, convincing me that the attack was intended as a real one, and I became exceedingly anxious for the reserves to come forward, for General Kershaw's brigade, of the Third, Fourth, Seventh, and Eighth S. C., were in position some four and a half miles on my right, down the Peninsula, and should the line be broken at this point of attack by a large body of the enemy, that position would be a critical one, and Lee's Farm have to be abandoned, unless a considerable force of our troops were on hand to oppose them. I heard from General Cobb that General G. T. Anderson's brigade had been ordered to his support by General Magruder, and sent off by Lieutenant Stanard, who offered his services to bring it forward, and sent others to hasten those regiments I had previously ordered up.

A body of the enemy succeeded in crossing the pond below the dam, and were in our lower rifle-pits. Colonel McKinney, of the Fifteenth North-Carolina, was killed while gallantly leading his regiment to repulse them. His death, and the sudden dash of the enemy, created some confusion, which was, however, promptly corrected by General Cobb, who, riding in among the men, they recognized his voice and person, and promptly retook their positions. Colonel Anderson's brigade at this time came forward most opportunely, and the Seventh Georgia, Colonel Wilson, followed by the Eighth, Colonel L. M. Lamar, charging the enemy with the bayonet, and assisted by the Fifth Louisiana and others, drove them back across the pond, killing a large number. A few minutes after this, one of the artillery pieces was reported as disabled, and I ordered up a section of Captain Palmer's battery, which was in reserve on Lee's farm, and Captain Thomas Jeff. Page, of the Magruder light artillery, being near me, offered his battery, and I directed him to bring it. Soon after this, the regiments I had ordered forward came rapidly up. The Tenth Louisiana, Colonel Marigny, was ordered to the main point of attack, and the others halted within a few hundred yards. Captain Page's and Captain Palmer's batteries came dashing forward at full speed, and I felt my position secure. The firing ceased as night came on, and the assault was not renewed.

I refer you to the reports of General Cobb, and of Colonels Levy, Bryan, T. R. R. Cobb, Lamar, and Wilson, and of Captain Stanley, of the Troupe artillery, Cobb's Legion, accompanying this, for further particulars, and for their notice of individual merit. In the death of Colonel McKinney the service has lost one who was pure in all his thoughts and just in all his acts. A brave and skillful officer, who, in his death, as in his life, reflected honor upon both his native and his adopted State, and illustrated the Christian gentleman.

Major James M. Goggin, A. A. and Inspector-General, Major A. H. McLaws, Dr. Master, Capt. McIntosh, A. A. General, and Lieutenant Tucker, Aid-de-Camp, were with me, and were of signal service. Very respectfully, T. McLaws,
Brigadier-General Commanding.

REPORT OF COL. WM. M. LEVY.

CAMP OF SECOND LOUISIANA REGIMENT VOLS., }
DAN NO. 1, April 18, 1862. }

To Capt. James Bann, Assistant Adjutant-General Brigade:

SIR: On the sixteenth instant, at about eight o'clock A.M., the enemy appeared in considerable force in the woods, and rear portion of Gannon's field, opposite the position occupied by the Second Louisiana regiment. In a few minutes, two pieces of artillery were put in position, and opened a fire of shell upon us. This was briskly replied to by the six-pounder field-piece of the Troupe artillery, belonging to Colonel Cobb's Georgia legion, and by a few shots from the twelve-pounder howitzer, (Captain Jordan's battery.) During the morning, and up to about three

o'clock, sharp artillery firing was kept up on both sides, and the infantry were engaged in skirmishing at pretty long range.

A little after three o'clock, the enemy brought up more artillery, and displayed six pieces (two rifled Parrott) and opened a furious cannonade, which they kept up with scarcely the slightest intermission for three hours. While showering their shell upon us, a bold rush was made across the river, or creek, by a considerable body of the enemy's infantry, who suddenly dashed through the water, and, under cover of the woods, reached the rifle-pits, in front of the position of the Fifteenth North-Carolina regiment. This regiment, with the exception of its picket, was at work intrenching its camp; and while leading his men to charge the enemy, Colonel McKinney fell and died instantly, gallantly pressing forward at the head of his command. The unfortunate death of Colonel McKinney threw the Fifteenth into momentary confusion, and the enemy was then at the rifle-pits, and about to cross them. At this time companies B (Captain A. H. Martin) and D (Captain R. E. Burke) of the Second Louisiana regiment, under the direction of Major Norwood, of that regiment, threw themselves from their position at the redoubt and curtain at the crest of the hill, and attacked the enemy along the left of the rifle-pits, while the Seventh Georgia vigorously attacked them along the rest of the line, and the Eighth Georgia came up on the right of the Seventh Georgia. Company I (Captain Flournoy) and company K (Captain Kelso) Second Louisiana regiment, stationed at the lower redoubt, near Dam No. 1, opened fire upon the enemy from their position, at the redoubt. The rapid and vigorous attack of our troops at once checked the enemy, and in a few minutes they precipitately retreated, recrossed the creek, and sought shelter from the havoc which pursued them, under cover of their field-pieces.

Shortly afterward, the movements of the enemy showed that, with a larger force, they intended to renew their effort to break our lines; and, with a largely increased force, they again attempted to cross, but were speedily repulsed, retreating in disorder. I have no means of ascertaining the number of killed and wounded on the part of the enemy, but from the bodies left on this side, and the removal, from the field on the other side, of bodies, I am certain it must have amounted to at least two hundred.

I cannot refrain from mentioning that, as falling under my immediate observation, while the conduct of all our troops was most satisfactory, the Seventh Georgia regiment, the section of the Troupe artillery, (Captain Stanley,) and the companies of the Second Louisiana regiment, which I have enumerated, manifested the most praiseworthy alacrity and intrepidity.

After this second repulse, the enemy retired their infantry from the field, and night coming on, the contest ceased, leaving us in full possession of our position, from which we had not moved except to drive back and pursue the ene-

my, and in the enjoyment of the pleasing knowledge that we had repulsed a foe largely exceeding us in numbers.

I have the honor to remain, sir, very respectfully, your obedient servant,

WILLIAM M. LEVY,

Colonel Commanding Second La. Regiment and Dam No. 1.

REPORT OF COLONEL GOODE BRYAN.

BIVOUAC SALLIE FERRIG'S,
SIXTEENTH GEORGIA REGIMENT, April 19, 1862. }

Captain John A. Cobb, A. A. General:

SIR: I have the honor to report that on the morning of the sixteenth, under orders from headquarters Second brigade, company D, (Captain Montgomery,) of this regiment, was sent to rifle-pits of Fifteenth North-Carolina regiment to act as sharp-shooters, and protect a working party of that regiment. About half-past three o'clock, heavy firing being heard in that direction, the Sixteenth Georgia regiment advanced and took position in the trenches, on the right of the battery opposite Dam No. One, at which point a considerable force of the enemy had crossed and occupied our rifle-pits. They were soon driven back across this by the Fifteenth North-Carolina, Seventh Georgia, and a portion of the Sixteenth Georgia regiment, stationed near the dam. A heavy fire was kept up by the North-Carolina Seventh and Sixteenth Georgia regiments until dark, at which time the enemy retired. I cannot close this report without an expression of great gratification in the coolness and gallantry displayed by both officers and men of my command during the engagement, and particular mention should be made of Captain Montgomery, of company D. Being down from the rifle-pits with only three of his men, (the others being deployed as skirmishers,) he gave warning to the Fifteenth North-Carolina of the advance of the enemy, and joining that regiment with the few men of his company that could be collected, charged with that command and drove the enemy from their pits.

I am, sir, your obedient servant,

GOODE BRYAN,

Colonel Sixteenth Georgia Regiment.

REPORT OF LIEUTENANT-COLONEL IHUE.

HEADQUARTERS FIFTEENTH REGIMENT N. C. V.,
NEAR LEE'S FARM, April 19, 1862. }

John A. Cobb, A. A. General:

I hereby transmit a report of the action of the Fifteenth North-Carolina volunteers, in the engagement of the sixteenth instant, near Dam No. One, on Warwick Creek.

On the morning of the sixteenth, cannonading along the line toward Wynn's Mill, and also some of the enemy's guns being brought to bear upon our batteries at Dam No. One, and as the day progressed other indications of an attack by the enemy upon our line, induced Colonel McKinney to call the regiment into line on the military road running in front of where the regiment was lying.

About ten o'clock A.M., calling in a working party of a hundred men, and keeping the regiment in this state of readiness for two hours: or

more, he ordered the arms stacked, and had the whole regiment detailed for work upon a heavy intrenchment, which he had been ordered to have erected in front of the encampment, and about two hundred yards in the rear of the rifle-pits skirting the water thrown back by Dam No. One, making arrangements for carrying on the work the whole of the ensuing night. Our pickets were in front of the rifle-pits, close along the water's edge. From the best information I have, at the point where the enemy charged the depth of the water was about four feet, and its width from one hundred and fifty to two hundred yards, and covered with heavy timber and thick undergrowth.

About three o'clock P.M., the regiment being engaged upon the works alluded to, the pickets gave the alarm that the enemy were charging rapidly across the water and making to our rifle-pits. The regiment was immediately thrown into line of battle, and being ordered by Colonel McKinney, advanced at a double-quick and with a yell upon the enemy, who had taken partial shelter behind the earth thrown from our pits before the regiment could reach them, and opened a terrible fire upon us as we advanced. Their fire was returned with promptness and with deadly effect upon the enemy. Volley after volley in rapid succession immediately followed from both sides, amidst which Colonel McKinney gallantly fell, in the early part of the engagement, shot through the forehead. He fell near the centre of the line, and his death was not known to either officers or men for some time after it occurred, and a deadly fire was kept up by both sides till about five o'clock P.M.

Not knowing the strength of the enemy at the commencement of the engagement, Colonel McKinney despatched an orderly to Brigadier-General Cobb for reinforcements, and after having been engaged in close conflict, the enemy having given way on our right, the Seventh Georgia regiment, under Colonel Wilson, came to our assistance, and at this moment the enemy gave way in precipitate retreat, and did not again rally at any point on our line.

The regiment had about five hundred men engaged. I have no means of definitely ascertaining the force of the enemy, but it must have been superior to ours. Prisoners report that they belonged to the Third Vermont regiment, commanded by Colonel Hyde. We captured eight of them. The number of killed of the enemy, in front of where the regiment was engaged, has been ascertained to be thirty. How many fell in the water is not known. Our loss in killed is as follows:

Colonel R. M. McKinney.

Privates William Yandies, of company B; Joseph Tonery and William Finch, of company D; and Francis Gilbert, of company F; Sergeant H. M. Clendenin, and privates Elmsley Steel and Hardy Wood, of company H; private J. H. Parker, of company I; private William Boon, of company K; and privates J. S. Foushee and M. H. Bonnett, of company K; making in all twelve men.

The wounded are as follows :

Captain Samuel T. Stancell, of company A, Sergeant A. V. Helms, mortally ; Corporal B. G. Coon, and privates Thomas Mills, (since died,) Francis Cuthbertson, W. C. Wolf, and F. R. Barcman, of company B ; private Joseph Downs, (since dead,) of company D ; private John Sherrod, of company E ; privates William A. Avera and John McDonald, and Francis Morrison, of company F ; private Samuel D. Gordon, of company G ; privates W. G. C. Bradshaw, C. C. McMurrey, John T. Ray, W. H. Guthrie, and Fred. R. Marze, of company H ; private R. S. Green, of company I ; Second Lieutenant J. J. Reid, Sergeants R. W. Thomas, S. H. Griffin, and J. B. Armstrong ; Corporals John Dillard and W. Thompson, (since dead,) privates S. R. Hilliard, J. W. T. Melton, J. W. Bates, and J. H. Freeman, of company K ; Second Lieutenant J. L. Merritt, and private S. M. Riggshee, of company K ; making in all thirty-one.

I regret that I cannot make a more detailed report of the engagement and its incidents, under present circumstances.

Too much cannot be said in commendation of the gallant bearing of both officers and men, under a terrific fire of musketry for the space of two hours, and the fate of the gallant dead call the living to other deeds of daring for their country's cause.

It is with peculiarly deep feelings of regret that I report the death of Colonel Robert M. McKinney, a conscientious, brave, just, and skilful officer, and a Christian gentleman.

Your obedient servant,

P. R. IHUE,

Lieutenant-Colonel Commanding.

To Brigadier-General HOWELL COBB,

Commanding Second Brigade, Second Division.

H. A. DOWD,
Adjutant.

REPORT OF COL. H. C. CABELL.

May 10, 1862.

To Major-General J. B. Magruder :

GENERAL : I have the honor to submit the following report of the artillery under my command, from the fifth of April till the evacuation of the Peninsula. Our line of defence consisted of the fortifications at Yorktown, the redoubts, Nos. Four and Five, near Yorktown, and the line of the head-waters of Warwick River, and the Warwick River itself. The narrow peninsula, formed by the junction of the Warwick and the James Rivers, was abandoned up to a point about five miles from the mouth of Warwick River, and at this point, called Minor's Farm, a series of redoubts, extending from the right bank of this river, nearly to Mulberry Island Fort, were constructed to check any assault of the enemy upon our right flank, coming up by the way of Land's End. The Warwick River had also obstructions placed in it to prevent the approach of the enemy's gunboats up this river, and we were further protected by our gunboat Teazer, which was placed near the mouth of the Warwick. From the topography of the ground it was absolutely

necessary to occupy the whole of this line in the then condition of our forces. Our forces were so few in number that it was essential to the safety of the command that the whole should be defended, as the breaking of our lines at any point would necessarily have been attended by the most disastrous results ; the centre broken or our flank turned, compelling a precipitate retreat to Yorktown or Mulberry Island, to stand a siege of the enemy's land force, assisted by the whole naval force, with but little prospect of relief or reinforcements, when the enemy occupied the intermediate country. The left bank of the York River was protected by the fortifications at Gloucester Point. The force of infantry was very small. The cavalry consisted of one and a half regiments. The artillery force was very large. Heavy guns were mounted at Gloucester Point, at Yorktown, at Redoubt Number Four, and at Mulberry Island. From deserters, prisoners, and other sources, we were convinced that the enemy was advancing in very large force. He had been collecting his troops and munitions of war for several weeks, and it was certain that he would commence his march with a vastly superior force. Our advanced regiments retired before the enemy, according to orders, and took their positions upon and in rear of the Warwick River line, in perfect order. Reinforcements had been promised us from Richmond, and the determination of the commanding general to defend the position against assault, met the cordial approval and co-operation of the army of the Peninsula. Three roads led up from the Peninsula, and crossed the line of our defences. The first on our right was the Warwick road, that crossed at Lee's Mill. The second crossed at Wynn's Mill, and the third was commanded by the Redoubts Numbers Four and Five, near Yorktown. The crossing at Lee's Mill was naturally strong, and fortifications had been erected there and at Wynne's Mill. Below Lee's Mill the Warwick River, affected by the tides and assisted by swamps on each side, formed a tolerable protection, but the marshes could easily be made passable, and the river bridged. Between Lee's Mill and Wynne's Mill, an unbroken forest extended on the right bank of the stream, a distance of about three miles. Two additional dams were constructed, the one, Dam Number One, nearest to Wynne's Mill, the outer, Dam Number Two.

A dam, called the Upper Dam, was constructed in the stream above Wynne's Mill. This detailed description of the line of defence seems necessary to explain the positions of the artillery of the Peninsula. The whole force of artillery were placed in position. Captain Young's battery and a portion of Major — battery, occupied Minor's Farm. A twelve-pounder of Capt. Cosnihan's and a Parrott piece of Captain Sands's, under the command of Lieutenant Ritter, were placed in the extreme right redoubt at Lee's Mill, the battery under the charge of Captain Cosnihan. Captain Sands's three pieces, and Captains Garrett's and Read's battery, each consisting of three pieces, occupied the remaining positions at Lee's

Mill. One gun of Captain Nelson's battery, under the command of Lieutenant Nelson, was placed at Dam Number One. (The Donaldsonville battery) six pieces, Captain Moran, Captain Macon's battery (the Fayette artillery) six pieces, three pieces of the howitzers, Captain Herdnall, and a portion of Captain Southall's battery, were stationed at Wynne's Mill. A piece of Captain Herdnall's, and a piece of Captain Southall's artillery were placed at the Upper Dam. Captains Smith's, Armistead's, Richardson's, and Page's, and the remaining pieces of Captain Nelson's and Southall's batteries, occupied positions at Redoubts Numbers Four and Five, the curtain connecting these redoubts, Yorktown, and the intermediate positions. The enemy came up and opened fire, upon the morning of the fifth of April. From that time till our evacuation of the Peninsula, the firing was continued with slight intermissions. I have been thus particular in noticing the batteries in position on the fifth of April, because I think it due to all who first stare the advance of the enemy, in force at least seven times greater than ours, and confident in superior numbers, should have a place in this report. It is a tribute due to their courage, firmness, and patriotic purpose to defend our position to the last, no matter in what superior numbers he should come. The defence was gallantly and most successfully made, and our pieces all along the line from Minor's Farm to Yorktown were fired at the enemy. My duties called me along the whole lines, and I can bear willing testimony to the bravery of the infantry and cavalry, all of whom were acting as skirmishers along the line. Wherever the enemy appeared, and they appeared all along the lines, our musket and artillery opened upon them. The enemy after a few days seemed to change their purpose of breaking our lines by assault, and commenced to erect batteries in front of our lines. They seemed determined to forego the gallant charge, and resort to the spade and their rifled guns, under the cover of intrenchments, to dislodge us from our position. No other course afforded a more ennobling tribute to our small force, or a more damaging slur upon the boasted arrogance of the enemy. On the sixteenth of April, General McClellan laid aside his "ill-timed prudence," and ventured an assault at Dam Number One, one of the weakest positions on our line. It was of great danger and consummate importance to us. A small clearing in the woods had been made on the one side, opening upon a large field upon the other. The cleared space did not permit us to employ but few guns at this position.

The enemy had erected three batteries, and opened upon us with a converging fire of sixteen guns. A twenty-four pounder howitzer of Captain Enders's battery occupied the front and most exposed position, immediately at Dam No. One. Two pieces of the Troupe artillery (Captain Stanley) occupied positions at the left and right redoubts, about two hundred yards to the rear, upon rising ground. The enemy made an assault in force upon this position, and attempted

to cross. I refer to the reports of Captain Stanley and Captain Jordan for a detailed account of their conduct in the fight. The charge was signally repulsed by our infantry. Our artillery did all that could be done in sustaining our infantry force and dispersing the enemy. It gives me great pleasure to bear tribute to the alacrity with which Captain Page and Captain Palmer hurried up to this position when sent for by me. It was a critical point in the engagement, but by the daring assaults of our infantry the enemy were quickly dispersed, before their guns could be brought up. After this signal repulse no further assault was made on our lines. But the fire of the enemy was incessant from artillery and musketry. During this time our artillery had to be changed frequently at Dam No. One. This position was occupied by four pieces of Captain Rosser's battery, Captain Richardson's battery, a section of Captain Palmer's howitzers, and a section of Captain Rogers's battery, at the redoubt to the right of Dam No. One. The positions of the artillery had also to be shifted at other points. All these movements were made at night, necessarily.

I was much indebted to Lieutenant-Colonel Brown for his disposition of the batteries of the left flank. His report will give a more detailed account of these batteries, as my supervision over them ceased upon the arrival of General Pendleton, Chief of Artillery, on General Johnston's staff, and was confined necessarily to the command of Major-General Magruder. Up to that time I witnessed the courage and skill they displayed. Captain Stanard's battery arrived, and was placed in position below Lee's Mill, on the eighth of April; Captain Kemper's battery arrived a few days after, and was also put in position.

From the fifth of April to the of many of our batteries were not once relieved. Until reserves came, relief was impossible, yet officers and men exhibited as much perseverance and ability to bear exposure and labor without murmur, as they did courage in resisting the enemy. Our defences, which were as strong as they could be made by the limited force at your command, were necessarily extremely imperfect, and much work had to be done after the enemy was upon us. But our men held their positions while our works were being perfected, and until a sufficient force arrived to make us secure.

The God of battles, that ever sides with a just cause, and a wise disposition of our forces, and courage and discipline of our army, has insured us one of the most gallant defences against apparently overwhelming numbers that history gives any record of.

The fidelity, and promptness with which my orderlies, Wm. O. Duke, of the Richmond Fayette artillery, and , of the Charles City troop, conveyed my orders, deserve attention.

I cannot close this report without calling attention to the batteries of light and heavy artillery in the several garrisons of Gloucester Point, Yorktown, and Mulberry Island. The very small force constituting the army of the Peninsula, on

the fifth of April, required the withdrawal of the whole infantry and cavalry force from Gloucester Point, to move the line of defence between the York and James Rivers. The heavy artillery was thus left without any support for several days, and most nobly and efficiently did they maintain their position. When the line of defence was contracted, Mulberry Island was thrown out of the lines of defence several miles, to stand, if necessary, a siege. Captain Garrett's and Young's batteries were withdrawn to this fort, thus isolated. The efficiency and skill of the cannoners at Yorktown were attested during the whole defence. The firing was continued until two o'clock at night, the night of the evacuation, by which time many of our troops had arrived at Williamsburgh. The skill and efficiency of our cannoners was not only attested by my own observation, but by the accounts that have been published in the Northern papers. I ascribe their superior efficiency to the entire calmness and courage of our cannoners, and their superior intelligence. They have had but little opportunity for practising, though they have been taught the principles and science of firing. Their entire self-possession, united with courage, intelligence, and patriotic zeal, enabled them to practise the best rule for firing, "fire with deliberate promptness," and insure their success.

I beg leave particularly to call attention to the efficiency of Lieutenant Wm. B. Jones, who acted most efficiently as my adjutant during the greater portion of the defence, and of my Adjutant Richard M. Venable, who relieved him from duty to enable Lieutenant Jones to return to his company, all the other officers having become incapacitated from service by arduous and constant exposure at the batteries. I deeply regret to have to state that one of these officers, Lieutenant Shields, a gallant and chivalrous spirit, who had distinguished himself in action, has since died.

Very respectfully,

H. C. CABELL,

Colonel First Regiment Artillery, and Chief of Artillery.

REPORT OF CAPTAIN M. STANLEY.

To Colonel T. R. R. Cobb, Commanding Georgia Legion :

COLONEL: I have the honor to report as follows, in reference to the part taken by the battery under my command (Troupe artillery) in the engagement of the sixteenth instant, at Dam Number One. I had but two of my pieces in position at that point, and a six-pounder army howitzer, under Lieutenant Lumpkin. The former was on the right, in an earthwork of but little strength, and the latter in an earthwork, somewhat stronger, on the left. Both works are unfortunately placed, being in too low a position to command the field on the opposite side of the dam. Beside my own piece one other was there—a twenty-four pounder iron howitzer, belonging to Captain Jordan's battery—placed behind the work just at the dam, and in a position to command scarcely more than the dam itself. Our horses, in charge

of their drivers, were placed in a bottom to the right and rear of our position. Our twelve-pound howitzer took no part in the engagement, because the direction of the enemy was such that it could not be fired without endangering the lives of our own men in the intrenchments at the dam. In front of the dam, on the opposite side from us, is a broad field in which the ground rises gradually from the water's edge to the crest of a hill, six hundred or seven hundred yards distant, and then slopes up gradually to the woods beyond. This conformation gave the enemy an admirable position in which to place his artillery, and it indicates how unfortunate for us is the position of our works, and of the dam itself. At about nine o'clock A.M. on the sixteenth instant, the enemy brought up, under cover of the hill, a battery of six pieces, and placed them just beyond the crest, so as to fire, and yet be, to a large extent, protected. Judging from the balls thrown, of which a large number have been gathered up, the most of their guns were rifled. There were, however, some twelve-pounder round shell, and twelve-pounder round shot, indicating a smooth bore.

Against this formidable array, the only piece which could be used with any effect, or without endangering the lives of our men near the dam, was the smooth-bore six-pounder, under Lieutenant Pope. For several hours did this piece maintain the unequal conflict. Captain Jordan's piece fired a few rounds, but, from its disadvantageous position, could not command the enemy's position, and therefore exhibited sound judgment in not prolonging its fire.

A little before noon there was a mutual cessation of the fire. Soon after dinner the conflict was renewed. An attempt was made by the enemy's infantry to carry our rifle-pits by fording the stream in the woods, some distance below the dam; and during this assault the fire of their artillery upon our works was terrific. The whole atmosphere was filled with the exploding shell and shrapnel. As before, the piece under Lieutenant Pope replied steadily and effectively, and not until the cannoners were exhausted did the firing on our side cease. It was after night when the conflict closed.

Though several of my men were struck with fragments of shell and spent Minie balls, and though our works were repeatedly penetrated by the enemy's shot, not one behind the works was seriously injured.

One of our drivers, W. P. Meeler, a brave and faithful young man, who was with the horses, had his right leg shot off below the knee by a cannon-ball. Seven of our horses were killed in the fight; five of them by Minie balls in the engagement of the infantry. That the casualties among my men were so few, I ascribe to the merciful providence of Almighty God.

The men, with hardly an exception, exhibited great coolness and courage.

Although the howitzer detachment took no active part in the conflict, their position was exposed to a very fierce fire.

I mention, with special commendation, Lieutenant A. F. Pope, gunner J. F. Dillard, and private J. C. Strickland.

The following, also, are worthy of particular notice: Sergeant R. K. Pridgeon and privates A. C. Sorrell and George B. Atkinson.

In conclusion, I would suggest that our position at Dam Number One is very inferior to that of the enemy, and that in view of his powerful and numerous artillery, special attention be given to that point.

I have the honor to be, very respectfully, your obedient servant,

M. STANLEY,
Captain Commanding Troupe Artillery, Georgia Legion.

Doc. 87.

BATTLE OF FREDERICKTOWN, MO.*

CAPE GIRARDEAU "EAGLE" ACCOUNT.

POST-OFFICE, CAPE GIRARDEAU, }
Oct. 23, 1861. }

Editor of the Eagle:

HAVING seen so many false representations of the battle of Fredericktown, through the public press, I desired an officer of the army familiar with all the facts, to furnish me, for publication, a narrative of the expedition, and an account of the battle, which I herein inclose you. Captain George P. Edgar, Assistant Adjutant-General, whose name has been suppressed, at his own request, in this narrative, behaved with great bravery, and signalized himself as an accomplished officer. Captain Warner, our worthy Provost-Marshal, mounted a stump, in the din of battle, with as much *sang froid* as though he were going to make a political speech on the hustings, and made a "stump speech," urging his men to the bloody conflict.

There is no question that all of Colonel Plummer's command, both officers and privates, behaved like veteran troops, with great honor to their country and credit to themselves. The flag was not suffered to trail, nor were the Stars dimmed. But let the officer speak for himself.

Very respectfully,

J. C. BENNETT,
Major Tenth Iowa Vol., and Postal Director.

AN ACCOUNT OF THE BATTLE, BY AN OFFICER OF THE ARMY.

On the seventeenth of October orders were received by Colonel Plummer to take steps to cut off the retreat of Jeff Thompson from the North. On the eighteenth, at six o'clock A.M., Colonel J. B. Plummer, of the Eleventh Missouri volunteers, left Cape Girardeau in command of about one thousand five hundred men, consisting of the Eleventh Missouri volunteers, Lieutenant-Colonel Pennabaker commanding, Seventeenth Illinois volunteers, Colonel Ross commanding, Twentieth Illinois volunteers, Colonel Marsh commanding, a section of Taylor's battery of Chicago light artillery under Lieutenant White, and a squadron

of cavalry, commanded by Captain Stewart. Arriving at Cane Creek, about fourteen miles distant, we encamped for the night; at six o'clock in the morning of the nineteenth, the column was in motion toward Dallas, eighteen miles distant, where an encampment was ordered. This place has been evacuated by most of the male inhabitants, as nine tenths are rebels. The postmaster was in town, but not esteemed sound on the Union question, the post-office and all valuables were taken possession of by the authorities.

A private of the Twentieth regiment was accidentally shot by leaning his head upon the muzzle of his gun. Notwithstanding repeated warnings soldiers are often very careless in the use of their arms. Here we heard many reports as to Thompson, his force, and whereabouts. A messenger sent from headquarters on the river, with despatches to overtake us, was shot at on the way from Jackson. By daylight on the twentieth the camp was active and ere sunrise all were wending their way toward the anticipated game, which was now believed to be at or near Fredericktown. After marching twenty miles—twelve miles from the town—it was time for rest until another day. Believing the enemy very near, speculation was rife as to the probability of securing the ranging terrors of South-East Missouri, for Jeff Thompson and Lowe were the parties who had been doing the stealing for the larger and more respectable portion of the rebel forces further South, about New-Madrid and in Kentucky. An attack upon the town was contemplated the next day by Colonel Plummer's forces, with intense delight, as it was believed "Jeff" had intrenched himself there. All retired except the requisite guards, to await in slumber the dawn of the day that was to be one of glory to many and of defeat and dismay to others. At last the eventful twenty-first day of October dawned upon the anxious and fearless command from Cape Girardeau, and soon every one was at his post going forward to what all felt confident of—certain victory. The column had moved forward about five miles when the Colonel was informed by some girls that some of the enemy were on the opposite side of the creek in the woods upon the hill-side counting us. In a few moments they were seen flying in every direction by Captain A. S. Norton's company of the Seventeenth regiment, which were deployed as skirmishers to chase them from sight of our column. Upon our march we heard of the interception of Sergeant E. Ryan, of Colonel Ross's regiment, who left our camp on the evening of the eighteenth to reach Ironton with despatches. The despatches falling into the hands of "Jeff," notified him of the intention of Colonel Plummer to attempt to capture him on Monday, hence his departure from the town the day before we arrived, which was a great disappointment to the boys, who now felt that another fruitless chase after the nimble-legged command of "Jeff" was before them. By order of Colonel Plummer, Colonel Ross, with Captain Stewart and his gallant band of wild cats, as "Jeff's" friends called them, reconnoitred the town closely and soon returned

* See page 220 Docs. Vol. III, REBELLION RECORD, S. D. 82.

a message that our friends from Ironton possessed the place. We advanced and at about twelve o'clock entered the town. Colonel Plummer immediately had a conference with Colonel Carlin, who had arrived in command of the forces from the West about nine o'clock A.M., and being unwell, had retired to rest for a while. Colonel Plummer was for an immediate pursuit of the enemy, but others thought it a vain and useless attempt. Yet the indomitable spirit of the leader from the Cape conquered, and at five minutes past one o'clock, (only an hour after arriving in town, and without dinner,) Colonel Plummer, with his command in advance, reinforced by Colonels Hovey and Alexander's regiments of infantry, a section of Schofield's battery of artillery, under Lieutenant Mitchell, and parts of six companies of the First Indiana cavalry, Major Gavit in command, started in pursuit of the renegade and his banditti. All were in high hopes of success; even those that remained wished us success, yet said: "You will not find him." We advanced, and about a mile from the court-house in the suburbs, the eagle eye of the wild-cat (Captain Stewart) saw something that made him look again, and then he announced to Colonel Ross that upon a certain hill upon the left of our front was a masked battery. As quickly as any regular of the old army could have done it, the Colonel deployed his skirmishers and reported to Colonel Plummer, who was advancing with his staff and escort to the head of the column, what he had done, which was approved, and the orders given to the Seventeenth to forward to the support of their comrades, then deployed. After a few moments' reconnoitring, Colonel Plummer ordered Lieutenant White's two pieces in position, one in the road, and the other on the left masked in a corn-field. We opened fire, and after two well-directed shots, the enemy answered, and soon the contest was commenced. White continued to worry the enemy very much, as they seemed to be quite uneasy within range of his ably managed guns.

The Seventeenth, Twentieth, and Eleventh Missouri were respectively brought in the front of the battle, charging and pursuing the enemy after they had broken their ranks. Schofield's artillery and Colonel Baker's cavalry were active in their spheres of service. The whole force in action was warmly and gallantly supported by the Thirty-eighth Illinois, Colonel Carlin, Thirty-third Illinois, Colonel Hovey, and Twenty-first, Colonel Alexander. The reserve was a strong one, for the noble Eighth of Wisconsin, Colonel Murphy, remained to hold the town. Colonel Carlin, who had arrived in town in command of the forces from Ironton, that morning, upon being aroused, and hearing the report of artillery, hastened to the field, and reported to Colonel Plummer in person, and then took command of his own regiment. After about three hours' conflict, the enemy were pursued by Captain Stewart's cavalry some twelve miles, scattering them like chaff before the wind. Colonel Baker's cavalry had in the first charge given them a taste of Northern steel which was not to their comfort at

all; and now to be followed by the persistent Stewart, was rough indeed. By dark, all the troops, excepting Stewart's cavalry, were in camp at Fredericktown. The men became excited, owing to a general belief that the position of the enemy was known to many of the citizens, who would not warn us of danger. So the passions of our troops were hard to control, yet, by the positive orders of Colonel Plummer, the streets were cleared of troops as soon as practicable.

About noon the two commands united under Colonel Plummer, for the pursuit of Jeff Thompson, excepting the Thirty-eighth Illinois, Colonel Carlin, a section of Schofield's battery, and a few companies of Baker's cavalry. After proceeding with the command about ten miles, a heavy scouting party from Colonel Baker's cavalry, under Major Wood, was sent forward, and found that a farther pursuit was useless, whereupon the pursuit was abandoned, and the commands separated upon their return to Fredericktown, each going their respective directions to Cape Girardeau and Ironton. Colonel Plummer left with his command, two miles east of Farmington, on Thursday morning about daylight, and arrived at the Cape at dark on Friday evening. The loss of the enemy must have been at least two hundred and fifty killed, and a proportionate number wounded. Many of both killed and wounded were removed in wagons by the enemy during the battle. So say the prisoners. It may truly be added that none saw the commanding officer on the field, but were impressed with the idea that he knew his business. Valuable assistance was rendered Colonel Plummer on the field by Major Schofield, who volunteered his services, and Captain Taggart, Lieutenant Mitchell, of Campbell's artillery, and Lieutenant Henry, Quartermaster of the Eleventh Missouri volunteers, who were appointed his aids for the expedition. In the death of Major Gavit and Captain Hindman, we suffer a severe loss. In the death of Lowe the enemy lost their life, and suffered more than if Jeff had fallen.

If all our forces are of such material as the boys that composed the Cape Girardeau command proved themselves, then we have nothing to fear in future, when the odds are not too great against us.

Doc. 88.

BATTLE AT JAMES ISLAND, S. C.

REPORT OF MAJOR-GENERAL PEMBERTON.

HEADQUARTERS DEPARTMENT SOUTH-CAROLINA AND GEORGIA, }
CHARLESTON, June, 1862.

To General S. Cooper, Adjutant and Inspector-General:

GENERAL: I trust it will not be considered irrelevant in officially reporting the action of the sixteenth June, 1862,* between our forces and those of the United States, on James Island, to refer briefly to the connection which this affair

* See page 200 Docs. Vol V. REBELLION RECORD.

had with certain alterations I had adopted in the plan of defence established prior to my assignment to the command of this department. After a thorough personal examination of Coles's Island, its defences and approaches, I was convinced that however desirable in many respects it might be to continue its occupation, there were disadvantages not to be overcome. With the means at my disposal, I deemed it therefore essential to the safety of Charleston, that the batteries on Coles's battery island should be transferred to a more defensible position on the James Island side of the Stono River.

This change would draw in our lines to the best supporting distance, and compel a land attack upon our intrenched position across James Island, flanked on the right by the proposed fort on the Stono, and on the left by the advanced work at Secessionville.

This design was carried into execution. A strong and commanding work was erected on the Stono, completely controlling that river in the direction of the inlet of the same name, as well as the approach through North-Edisto inlet, on the mouth of Wappo Cut. The intrenched lines to the east of James Island Creek were also greatly strengthened by a system of interior redoubts and redans.

Early in May, the guns were removed from Coles's battery island. On the thirteenth of the same month, the abduction of the steamer *Planter* by her negro crew gave the enemy information of the abandonment of Coles's Island. The services of skilful pilots among these negroes were immediately availed of, and the enemy's gunboats entered the river about the seventeenth. Under cover of their fire, he commenced landing his troops on James Island on the second June. His force was gradually increased, until it was believed to have amounted to from ten to twelve thousand of all arms. Between the second and fifteenth June, several skirmishes occurred, the results of which were duly reported by the immediate commander, and the reports forwarded to the War Department. The enemy kept up at intervals a heavy fire from his gunboats, varying from five to eight in number, against Secessionville, from positions on the Stono, and a branch of Folly River, as also from a land battery established under cover of his boats on a point distant about a mile from our own battery at Secessionville. No injury was, however, done to our works. One man was killed in his tent, and several wounded. A few shells were thrown in the direction of the new fort on the Stono at long-range, but no attempt was made to engage at the fort a less distance than two and a half miles.

About four A.M. on the sixteenth, the enemy drove in or captured our pickets, some eight hundred yards in front of the battery at Secessionville, and advancing rapidly upon this work in line of battle, arrived within a few hundred yards of it before our guns could open upon him. To the culpable negligence of the pickets is to be attributed the near approach of the enemy

before he was discovered. The men, however, were at their guns, which were at once well and rapidly served. Lieutenant-Colonel Gaillard's and Smith's battalions (Charleston and Pee Dee) were moved promptly into position under the orders of Colonel J. C. Lamar, the heroic commander of the post. The enemy was driven back in confusion, and with great loss. A second attempt, after he had received reinforcements, met with a similar result, and a third was equally unsuccessful.

A flank movement was then attempted against the right of the battery, but was repulsed by the Charleston battalion, aided by the Louisiana battalion, under Lieutenant-Colonel McEnery, which had been promptly despatched by Colonel Johnson Hagood, the immediate commander, to the support of Secessionville, on the first intimation of the enemy's advance upon that position, and which arrived in time to participate in the dangers and glory of this admirable repulse. On the evening of the fifteenth, I directed Brigadier-General Evans to send sufficient reinforcements to Secessionville to relieve the garrison of the arduous duties in which it had been engaged for a number of days previous. A detachment of four officers, (Captain J. Jamison, commanding,) and one hundred men of Colonel Goodlet's Twenty-second South-Carolina volunteers, came up just in time to meet the first onset of the enemy, performing most excellent service, and sustaining a loss of ten killed and seven wounded. For further details of the action immediately in front of Secessionville, I respectfully refer to the reports (herewith) of Brigadier-General Evans, Colonel J. G. Lamar, and his subordinate commanders; and for those details resulting from the enemy's flank movement upon Secessionville, Brigadier-General Evans's report, to that of Colonel Johnson Hagood, First South-Carolina volunteers, who had been assigned to the command of an advanced corps, composed of his own regiment; the Twenty-fourth South-Carolina, Colonel C. H. Stevens; the Eutaw battalion, Lieutenant-Colonel Simonton; and the Louisiana battalion, Lieutenant-Colonel McEnery. The latter, as before stated, was early despatched to the support of Secessionville; the remaining corps greatly aiding in the final and complete defeat of the enemy. The report of each of the above-named subordinate commanders is respectfully forwarded herewith.

Not having been an eye-witness of this well-fought contest, it is impossible for me, perhaps, to commend where commendation is most due. Many of the best and bravest have fallen; among them Captain J. J. Reed, Lamar's regiment; Captain Henry King, Charleston battalion; First Lieutenant John Edwards, of the same command; Second Lieutenant R. W. Green, Eutaw battalion, and First Sergeant James M. Baggott, who fell whilst serving his piece as No. One, and was immediately succeeded by his company commander, the gallant and lamented Reed.

My estimation of the conduct of Colonel J. G. Lamar, is fully expressed in my General Orders,

No. —, of June seventeenth. His undaunted courage was an example well followed by those who surrounded him.

Lieutenant-Colonels P. C. Gaillard, A. D. Smith, and James McEnery, Major D. Ramsay, Captain J. Jamison, were each in command of their respective corps, during the whole or a part of the action, and are highly commended in the report of Colonel Lamar. I refer to his and to the reports of the officers above named, for records of further instances of individual gallantry.

In like manner I refer to the reports of Brigadier-General Evans, to Colonel C. H. Stevens, Lieutenant-Colonel Simonton, and to Colonel Hagood's, and to his subordinate commanders, and Colonel Goodlet, who, all deserving high praise themselves, have doubtless bestowed it where it is best deserved.

I inclose, herewith, a list of the killed, wounded, and missing—amounting in the aggregate to two hundred and four. Many of those reported as wounded, have been slightly so.

I also inclose a list of those most highly commended by commanders.

From the best information I have received, I estimate the loss of the enemy to have been between seven and eight hundred.

Very respectfully, your obedient servant,

J. C. PEMBERTON,

Major-General Commanding.

REPORT OF BRIG.-GENERAL N. G. EVANS.

HEADQUARTERS SECOND MILITARY DIVISION, S. C. }
ADAMS'S RUN, JUNE 19, 1862. }

To Major J. R. Waddy, Assistant Adjutant-General, Charleston, S. C.:

MAJOR: I have the honor to submit the following report of the action of the troops under my command on James Island on the sixteenth instant.

On the afternoon of the fifteenth instant, I was informed by Col. J. G. Lamar, First artillery, that from his observation of the movements of the enemy, he was convinced that Secessionville would doubtless be attacked either on that night or on the morning of the sixteenth. I directed him to hold his position, that he would be reinforced if necessary. At two o'clock on the morning of the sixteenth instant, I received a note from him, informing me that the enemy were advancing. I repaired to Clark's house as soon as possible, where I arrived at fifteen minutes past four o'clock A.M., when I found Col. Johnson Hagood, First S. C. V., had, in his untiring vigilance, ordered three regiments to be in readiness for an immediate attack, and had already sent a detachment of Col. Goodlet's regiment to the support of Col. Lamar, watching closely the movements of the enemy in front of Secessionville. I determined to reinforce the place to two thousand strong, and immediately ordered the Fourth Louisiana battalion and Col. Goodlet's regiment to repair at double-quick and report to Col. Lamar at Secessionville. Lieut.-Col. McEnery, with his battalion, arrived just in time to receive the second assault of the enemy

and to materially aid in repulsing him. At this time, I received a message from Col. Hagood, that the enemy were approaching on our right, and asking reinforcements. I directed him to attack the enemy, and immediately ordered the Fifty-first Georgia and Col. Williams's regiment to repair to his assistance. The engagement now became general on both wings. Col. C. H. Stevens, who was with Col. Hagood, seeing that the twenty-four-pound battery, near Clark's house, was not being fired, directed Lieut.-Col. Capers, of his regiment, to take command of his battery and to fire on the enemy, with which, though one piece was dismounted, he did gallant and effective service, firing constantly into the flank of the enemy. On the third assault of the enemy, Lieut.-Col. Capers was very successful with his piece, piercing the columns of the enemy eleven times.

For the details of the gallant defence of the works at Secessionville, I would respectfully refer the Major-General commanding to the official reports of the immediate commanders herewith submitted. Three times did that heroic band repulse (often at the point of the bayonet) a force thrice their strength, under the fire of three gunboats and four stationary or land batteries. About ten o'clock the enemy retreated in great confusion, leaving their dead and wounded on the field, a number lying in our trenches. The loss of the enemy I have been unable to ascertain, but, from what I saw, was at least four hundred in killed, wounded, and prisoners. The dead of the enemy immediately in front of the Secessionville works, numbered one hundred and sixty-eight, while forty-two wounded had been brought within the works. The dead I directed to be immediately buried, and the wounded to be removed to the hospital. A considerable number of arms and accoutrements were captured, a partial return of which will be found in the paper marked "G." A full report of these arms I directed Capt. Reary, ordnance officer, to make to the Chief of Ordnance in Charleston. At twelve o'clock M., I received a note from the Major-General commanding, that he was at Brig.-Gen. Gist's headquarters, asking if I wished reinforcements, that they were ready. I replied, through my aid-de-camp, that I thought the enemy was leaving his position, as he was burning the houses he had first occupied. I then joined the Major-General commanding and accompanied him to Secessionville, to inspect the works as well as to ascertain our loss, and the situation and condition of our troops. After giving instructions relative to the wounded and dead, also as to the arms captured, I returned to my headquarters, and, in accordance with instructions from the Major-General commanding, ordered Col. P. P. Colquitt to repair with his regiment of Georgia volunteers as soon as possible, and relieve Col. Goodlet, in command of Secessionville. Col. Goodlet and his command were completely worn down and exhausted. I would here state that I had before directed Col. Lamar to send all of his exhausted men to the rear on the arrival

of Col. Goodlet's command, which order left him but one hundred and fifty men for duty.

The troops at Secessionville, on the morning of the sixteenth, were much fatigued, as they had been engaged at work in the intrenchments during the entire night, and many were entirely worn out when the action commenced in the morning.

In reference to the action on our right, I would respectfully refer for particulars to the reports of Cols. Hagood and C. H. Stevens, herewith inclosed.

To my personal staff, First Lieut. W. H. Rodgers, special aid-de-camp, Capts. R. E. Elliott and Samuel J. Corrie, and H. W. Carr, I am much indebted for their untiring exertions in transmitting my orders under fire. Assistant-Surgeon James Evans, of my staff, rendered material aid to the wounded, who were brought to the rear. In conclusion, I would add that, at eight o'clock A.M., Brig.-General W. D. Smith joined me at Clark's house, where I directed him to take command of the right wing, and attack the enemy vigorously. I have received no report from him, but take it for granted the reports of Cols. Hagood and Stevens cover the action of the troops on the right.

To the dauntless Lamar and the troops under his command, at the commencement of the assault, the Charleston battery, Lieut.-Col. Gaillard, Lieut.-Col. Smith's battalion, and companies of Lamar's regiment engaged, the country, and South-Carolina in particular, owe a debt of gratitude and thanks, which I know a grateful people will acknowledge. For the gallant dead, the country will ever mourn.

The intrepid Reed fell whilst cheering his men to victory, just as the enemy was repulsed.

The reports herewith inclosed will give casualties on our side, thirty-nine killed, ninety-three wounded and two missing. Total, one hundred and thirty-four.

No report has been received from Lieut.-Col. Smith's battalion. Col. J. G. Lamar's report will be forwarded as soon as received.

Herewith I also inclose you a copy of a letter from Brig.-Gen. Stevens, commanding the Federal forces, and also a copy of my reply.

Very respectfully,

Your obedient servant,

N. G. EVANS,
Brig.-Gen. Commanding.

REPORT OF COLONEL LAMAR.

To Major-General J. C. Pemberton, Commanding Department of South Carolina and Georgia:

GENERAL: Through the interposition of Providence, it became my duty to report to you that the forces under my command gained a complete victory over the enemy on the sixteenth instant, at Secessionville Neck.

On the morning of the sixteenth of June, about four o'clock, my pickets were driven in, and reported to me that the enemy were advancing in force, and had already passed Rives's house, distant from my batteries about three fourths of a

mile. I immediately despatched a courier to Lieutenant-Colonels Gaillard and Smith, ordering them to move up their battalions at once; and to General Evans, to inform him of the advance of the foe, and I then proceeded to my batteries, where I found a detachment at each gun, having ordered such to be the case day and night.

When I arrived at the batteries, I found that the enemy were within seven hundred yards, in line of battle, and advancing on me at the double-quick. I ordered the eight-inch columbiad to be loaded with grape, which order was promptly obeyed by Lieut. Mosely, of company I, whom I found at the battery on my arrival. I mounted the chassis, and pointed the gun myself. In the mean time, Sergeant James M. Baggott, of Capt. Reed's company B, fired upon the advancing line from the rifled twenty-four pound gun, to the left of the columbiad, and of which he was the gunner. My reason for pointing the columbiad myself, was to fire at the centre of the line, and thereby break it, in order to cause confusion and delay, so that I might get my infantry into position previous to their reaching my lines. The shot had the desired effect; they immediately flanked to the right and left.

I then ordered the columbiad to be loaded with canister, which was promptly done, and I again pointed it. I then left the battery to get my infantry into position. On leaving the battery I met Lieut. Humbert, of company I, (under whose command the columbiad was,) within two or three paces of the battery, and directed him to give them canister freely, which he did. I then ordered Capt. T. Y. Simons to go to Lieutenant-Colonels Gaillard and Smith, and tell them to hurry up their battalions.

Lieut.-Colonel Smith, of the Pee Dee battalion, first attracted my attention, whereupon I ordered him to take position on the left. Although the enemy had then reached the left flank, and were pouring in a murderous fire on my men at the guns, Lieut.-Colonel Smith obeyed with promptness, and soon drove them from their position. I then ordered Lieut.-Colonel Gaillard to take position on my right and centre, which was promptly done. It was not long after getting my infantry into position, that the enemy were driven back in confusion. They were soon, however, reënforced, and made another desperate charge, when I again drove them back; a third time they came, but only to meet with a most determined repulse.

They then made a flank movement on my right on the west of Secessionville, and on the other side of the creek, where they were gallantly met by the Charleston battalion, which was soon reënforced by the Louisiana battalion, commanded by Lieut.-Colonel McEnery, who also gallantly met them with a cheer. At this time I was so much exhausted from loss of blood, from having been wounded in the head by a Minie ball on the second charge, that the command was turned over to Lieut.-Colonel Gaillard, and afterward to Lieut.-Colonel Wagner, although I never ceased to give orders to my batteries.

We achieved a great victory, yet it was at a considerable loss, both in numbers and personal worth. Capt. Samuel J. Reed, of Barnwell district, and commanding company B, fell while gallantly fighting at his gun. I may safely say that his place cannot be filled. He was every thing that could be desired in an officer, and as brave, true, and gallant a man as ever sacrificed his life on a field of battle. Peace to his ashes!

Lieuts. Lancaster and Johnson, of company B, who were in command of the two rifled twenty-four pounders, did great execution, although not having grape or canister. Lieut. Bellinger, of the same company, who commanded the eighteen-pounder, poured a murderous fire into the approaching line, and, in connection with the columbiad, did more than any thing else for the fortunes of the day. These gallant officers deserve the thanks of the country, and I commend them to your notice. Captain G. D. Keitt, and Lieuts. Humbert, Barton, Oliver, and Mosely, all acted with great bravery and determination.

I cannot close this report without bringing to further notice Senior First Lieut. J. B. Humbert, of company I, who acted with so much gallantry and determination in managing his gun, to which may be mainly attributed the fortunes of the day, not only on account of its calibre and weight of metal, but to its well-directed fire, and to the skill with which it was managed; and also Second Lieuts. T. P. Oliver and J. W. Mosely, of the same company, who rendered valuable assistance to Lieut. Humbert. First Lieut. Barton, of the same company, displayed great skill and coolness in the management of the mortar, which had considerable effect upon the enemy. Too much praise cannot be given to these gallant officers, and to the detachments under their command. Capt. F. T. Miles, of the Calhoun Guard, Charleston battalion, who was stationed at my batteries during the previous night, and whose command was the first placed in position, has my sincere thanks. He and his men fought like heroes, and did all that men could do.

Lieut.-Colonel P. C. Gaillard and Major David Ramsay, conducted themselves with the utmost coolness, and were as gallant as officers could be. They both, as well as their entire command, acted with commendable courage and determination, and deserve the thanks of the country.

Lieut.-Colonel A. D. Smith, commanding the Pee Dee battalion, and a most gallant officer, was the first that attracted my attention when the infantry were coming up to the engagement, and to him I am indebted for having relieved my left flank at a very critical time. I noticed that several of his men were shot down before he could get into position, and that, after the enemy had been driven back the first time, and while they were on their second charge, Lieut.-Col. Smith went out upon the field in front of the battery, gathered up as many of the small arms of the enemy as he could carry, and gave them to his own men, whose guns had refused to fire. I commend him to your favorable notice. His

command acted with great courage. My thanks are also due to Major Hudson, who acted with decided gallantry. I must also speak in high terms of the actions of Lieut. W. H. Kitchings, of company H, who was in command of the Reed battery at Clark's house, which battery consisted of two smooth-bore twenty-four pound guns, and also of my adjutant, Lieut. E. J. Frederick, who, seeing that the enemy's sharpshooters were concealed on my right flank, over the marsh, and were picking off my men, proceeded immediately to the above battery, when he and Lieut. Kitchings soon dislodged them, and poured well-directed shots into them as they retreated.

To Captain McCreery, of the ordnance department, as well as to Captain Bonneau, and Lieuts. Matthews and Hall, of our gunboat, I return my sincere thanks, for their valuable service at the columbiad battery.

The casualties in the two companies of my regiment that were engaged are as follows:

Company B, Barnwell district. Killed—Capt. S. J. Reed, Second Sergeant James M. Baggott, Privates Elbert Bates, R. R. Bates, H. H. Dycles, W. J. Nix, W. Redmond, D. J. Reilly, and J. Watson.

Mortally wounded and since dead—Privates Chesley Bates and Jeff. C. Eaves.

Wounded severely—Sergeant R. F. Nevills, and privates V. W. Bellinger, W. Fleming, Redick Pitta, W. J. Chitly, F. M. King, L. L. Cox, H. H. Nevills, S. H. Nevills, H. L. Baggott, Thomas Ursery, W. D. Elkins, J. W. Gillam, J. G. Mitchel, B. H. Dyches, J. W. Phillips, D. P. Hutson, W. J. Martin, J. B. Corbit, J. R. Wains, and M. Whaley.

Wounded slightly—Corporal N. A. R. Walker, and privates A. O. Houser, J. J. Walker, D. Holden, W. R. Delk, and J. Templeton. Missing—W. P. Hair, (previously wounded.)

Company I, Orangeburgh district. Killed—privates W. H. Amaker, J. A. R. Shuler, H. A. Hoover, Daniel Kelly, J. W. Gibson, and John Jones. Wounded severely—Serg. Geo. Bolivar, private J. C. Evans. Slightly—Sergeants J. Marchant and S. C. L. Miller. Privates J. C. Stevenson, N. A. Whetstone, G. J. Bonnett, G. J. Parlor, John Robinson, and G. W. Golson.

Recapitulation—Killed, fifteen; since dead, two; wounded, thirty-seven; missing, one; total, fifty-five.

I estimate the loss of the enemy, as near as I can, at from six to eight hundred; three hundred and forty-one of their dead are buried in front of my batteries; one hundred and seven were taken prisoners, many wounded, and who have since died; and I conjecture that some were drowned. Large quantities of their wounded were carried off by their ambulances. About four hundred stand of small arms fell into our hands, together with one horse wounded in the mouth, and numerous smaller articles.

For the casualties in the Charleston battalion, Lieutenant-Colonel Gaillard, and the Pee Dee battalion, Lieutenant-Colonel Smith, together with their reports concerning the behavior of officers

and men, I beg leave to refer you to the accompanying documents, marked respectively A and B.

It is proper to state, that the forces under my command did not amount to more than five hundred men until the arrival of the Louisiana battalion. But this small force manfully stood their ground against an assaulting force of from one to five thousand men, among whom were the picked regiments of the enemy—the Seventy-ninth New-York Highlanders, and the Eighth Michigan—notwithstanding that they had for fourteen days and nights been subjected to the most arduous duties.

On Sunday night, the fifteenth instant, I received orders from Brigadier-General Evans, to the effect, that although it might require superhuman exertions, he expected me to take the guns off the gunboat, and place them in battery on land. This was impossible, unless I had had a force and the means under my control that were necessary to move these guns. I therefore had to have the gunboat moved up to Secessionville, where there was a wharf. In the mean time, I, with the two companies of my own regiment, proceeded to throw up the earthworks of the batteries, which were not completed until three o'clock next morning. My men were so much fatigued, not only from the night work, but from a very spirited engagement the day previous, which lasted several hours, against the gunboats and land batteries of the enemy, that I allowed them to lay down to rest. They had hardly fallen asleep when the alarm was given, and this was the first time that any man was allowed to sleep without his arms in his hand, and at the spot that he would have to use them, during the time that I had been in command of the post.

In conclusion, I would state that the great victory achieved on the sixteenth June, over such a superior force of the enemy, is owing entirely to the patriotism, love of freedom, and indomitable courage of the officers and men under my command. Every man did his duty!

I have the honor, General, to be, with sentiments of high regard, your obedient servant,

J. G. LAMAR,
Colonel Commanding Post.

REPORT OF MAJOR DAVID RAMSAY.

SECESSIONVILLE, June 21, 1862.

Colonel J. G. Lamar:

COLONEL: I beg leave to forward to you a list of casualties in the Charleston battalion, in the engagement of the sixteenth instant:

Field and Staff—Wounded—Lieut.-Colonel P. C. Gaillard, slightly in knee; Captain R. Press. Smith, A. Q. M., severely. Company A, Charleston riflemen—Wounded: Captain Julius A. Blake, slightly; Lieutenant F. Lynch, slightly. Company B, Charleston light infantry. Killed—private J. B. W. Hammett. Wounded, mortally—private P. Gilhooly. Wounded, slightly—privates M. Lacy and W. H. Lutcliffe. Missing—J. R. Gibbes and J. P. Johnson. Company C, Irish volunteers. Killed—private Daniel Howard. Wounded, severely—John May. Wounded,

slightly—Lieutenant John Burke, private J. P. Murphy. Company D, Sumter Guard. Killed—Captain H. C. King, Lieutenant J. J. Edwards, Corporal J. Volentine, privates G. Poznanski and S. F. Edgerton. Wounded—Sergeant J. J. Wells; privates R. C. Evans, A. Roumillat, E. L. Terry, W. W. Johnson, H. Neufoille, H. Volentine, E. S. Tennent, G. W. Dingle, T. P. Lockwood. Company E, Calhoun Guard. Killed—private Thos. Parker. Wounded—Captain F. T. Miles, Lieut. J. W. Axon, Sergeant S. C. Black; privates C. P. Brown, C. B. Buist, Isaac Holmes, H. C. Choate, J. E. Smith. Company F, Union Light Infantry. Killed—Sergeant R. J. Henry; private James Davis. Wounded—Lieutenant George Brown, private Wm. Cummins.

Recapitulation—killed, ten; wounded, thirty; missing, two; total, 42.

It is hardly possible to enumerate the individual instances of valor and good conduct. All did their duty, and the list of dead and wounded will testify with what devotion. Out of about one hundred men, forty, besides the two of the field and staff, were killed or wounded. You are aware of the distinguished conduct and skill of Lieutenant-Colonel Gaillard, in command after you were wounded, until the arrival of Lieut.-Colonel McEnery, and I only mention, as peculiarly noticeable, Lieutenant Campbell, of company F, who repulsed, personally, a storming party, using a handspike, until he seized a rifle. Also, Mr. Josiah Tennent, of the Calhoun Guard, who felled no less than six of the enemy. Captain William Ryan's good service at a gun you can appreciate yourself. Lieutenant George Brown and Sergeant Hendrick, of company F, deserve mention for bringing ammunition through a heavy fire; and most particularly Lieutenant Alex. A. Allemory, of the Irish volunteers, who passed and repassed a severe fire of musketry and cannon several times with ammunition in his arms. I have mentioned those especially noticeable, but can only repeat that I refrain from enumerating others, simply because it would be to furnish a roll of those engaged.

Very respectfully, your obedient servant,

DAVID RAMSAY,
Major Commanding C. Battalion.

REPORT OF COLONEL JOHNSON HAGOOD.

HEADQUARTERS ADVANCED FORCES,
JAMES ISLAND, June 18, 1862.

Captain Mallory P. King, A. A. General:

CAPTAIN: I am required to report the operations of the troops under my command on the sixteenth instant.

Some days previously, I had had the honor to be placed in command of a corps, composed of the First and Twenty-fourth South-Carolina volunteers, the Eutaw battalion, and McEnery's Louisiana battalion, to which were assigned the duties of the advanced-guard. The force at Secessionville, however, continued to keep out in front of that position its own outposts, which were not under my command, and made no direct report to me. This has since been changed,

On the night of the fifteenth and sixteenth, the troops on outpost duty, under my command, consisted of seven companies of Stevens's Twenty-fourth S. C. regiment, six companies of Hagood's First S. C. volunteers, and one company of the Forty-seventh Georgia volunteers, (Colonel Williams,) all under the immediate charge of Colonel Stevens. They covered the whole front of our lines, from Secessionville road to New Town cut. The pickets from Secessionville covered the space from the Secessionville road to the marsh on the left of our lines.

At half-past four A.M. on the sixteenth, I received a despatch from Colonel Stevens, that the Secessionville pickets had been driven in, and that the enemy was advancing in force upon that position. I immediately ordered under arms the portion of the First regiment not on picket, and Colonel Simonton's Eutaw battalion, directing them to proceed down the Battery Island road, in front of our intrenchments, to the flank of the enemy's advance, and ordered Colonel McEnery's Louisiana battalion to proceed in rear by the bridge to Secessionville, delivering these orders in person.

Proceeding in advance down the Battery Island road, I ordered forward one of the two six-pounders of Boyce's battery, stationed at the crossing of the Fort Johnson road, and, arriving at the scene of action, found the enemy making their second advance upon the post at Secessionville. A thicket of felled trees ran parallel with their line of advance, and about four hundred yards west of it, on the edge of which, next the enemy, Colonel Stevens had deployed about one hundred men, who had been on picket-duty near that point. These men were from the companies of Captains Tompkins, Pearson, (Lieutenant Hammer commanding,) and Gooding, (Lieutenant Beckham commanding,) of the Twenty-fourth regiment S. C. volunteers. The Battery Island road, so obstructed as to be impassable by troops or vehicles, ran between this felled thicket and a dense wood, stretching toward Grimbail's, on the Stono. Simonton's battalion, coming up, was placed behind the felled thicket in line of battle, its right resting near the Battery Island road, and the detachment of the First regiment S. C. volunteers was placed in reserve in the Battery Island road, throwing a strong line of skirmishers toward the Stono, which runs nearly parallel with this road, to guard against an advance from that point. Boyce's piece, under Lieutenant Jeter, was placed on Simonton's left, at the extremity of the felled thicket. The object of this disposition was chiefly defensive, as a general advance upon our lines seemed imminent. Three regiments of infantry advanced in front of us, but beyond musket-range, to attack the west flank of the work at Secessionville, being supported by a battery of field-artillery, near the Battery Island road, in front, and beyond Simonton's right. Lieutenant Jeter was directed to open upon these regiments, which he did with effect. I immediately sent to the General Commanding, asking to be supported in making an attack upon the rear and flank of these

regiments. When the permission to attack, and the assurance of support arrived, the enemy had retreated. In the mean while, the fire of Jeter's piece drew upon us a heavy fire from the enemy's field-battery, which, from the sheltered position of our troops, did but little damage, and four companies of the Third Rhode Island regiment were sent as skirmishers to seize the felled woods, and capture the piece. Stevens's skirmishers gallantly repelled them. A portion of the enemy, however, penetrated to Simonton's line of battle, and one of his companies, and a platoon of another were for a few minutes engaged in driving them back. A few casualties in other portions of his line occurred from the random fire of the enemy engaged with our skirmishers, and one man in the detachment from the First regiment was wounded in the same way. The enemy, in retreating, were seen carrying off their wounded. Six men were left dead in front of our skirmishers, twelve were left dead further on toward Secessionville, where the three regiments spoken of were fired upon by Lieutenant Jeter, making their loss in this part of the field eighteen killed. Eleven prisoners were captured, of whom eight were wounded. Sixty-eight small arms, mostly Enfield rifles, were abandoned by them, and recovered by this command. Our loss was eight killed, twenty-two wounded, and two missing. Appended is a detailed list of casualties.

I have the honor to be, very respectfully,

JOHNSON HAGOOD,

Colonel First S. C. Volunteers, Commanding.

REPORT OF COLONEL C. H. STEVENS.

HEADQUARTERS TWENTY-FOURTH REGIMENT
S. C. VOLUNTEERS,
JAMES ISLAND, JUNE 18, 1862. }

To Colonel Johnson Hagood, First Regiment S. C. Volunteers, Commanding Advanced Forces:

COLONEL: In obedience to orders, I beg to submit the following report of the part taken by my regiment in the battle of Secessionville, on the morning of the sixteenth instant.

Seven companies of the Twenty-fourth regiment S. C. volunteers, with six companies of the First regiment S. C. volunteers, and one from the Forty-seventh Georgia regiment, constituted the picket force placed under my command, and with which I went on duty on Sunday, fifteenth instant. This force covered our whole picket line, except that in front of Secessionville, which was guarded by pickets from the force stationed at that post.

All remained quiet along the line during the day and night, and at daylight I rode to New Town cut, with a view to visit and inspect the pickets. On reaching that point, I distinctly heard the guns of the enemy in front of Secessionville, and started on my return to that point. On my way, I encountered a courier with the intelligence that the enemy had advanced in large force to storm our works at Secessionville. This information I immediately forwarded to yourself and to the headquarters of the Brigadier-General Commanding, proceeding myself to the front to verify the statement. In passing I took portions

of four companies of my regiment, which happened to be on duty in that vicinity, and moved them in the direction of the abatis of felled timber, extending on the left of the Battery Island road.

I ordered Captain Weaver, company I, to occupy this abatis, to prevent the enemy from penetrating it with his skirmishers. The detachments of my other three companies, namely, company D, Captain Gooding; company G, Lieutenant Hammeter, and company K, Captain Tompkins, numbering less than one hundred men, were posted in a heavy thicket, extending from the abatis to the marsh on the left. On taking this position, I found the enemy drawn up in line of battle at Hill's house, to my right and front. With my weak force this position could only be defensive, and I rode back to ask for artillery and support, which were brought up by you. As all of the subsequent events passed under your own observation, it is unnecessary to report them, except that I would especially mention Captain Tompkins, company K, and Lieutenant Beckham, of company G, and the detachments from these two companies, who held their position gallantly in the front and did excellent service, until ordered to withdraw.

Lieutenant-Colonel Capers, my second in command, having been sent by you to order fire to be opened from the new twenty-four pounder battery, in advance of our lines, was retained by General Evans at that post, and directed the fire of the battery with his usual gallantry and efficiency.

Major Hammond remained at his post in charge of the pickets on the hill road and New Town cut. After the enemy had left the field, I returned to my picket duties until regularly relieved. I append a list of the casualties in my own regiment.

I have the honor to be, very respectfully,

C. H. STEVENS,

Colonel Twenty-fourth Regiment S. C. Volunteers.

Killed, three; wounded, seven; missing, two: total, twelve.

REPORT OF LIEUTENANT-COLONEL CHARLES H. SIMONTON.

HEADQUARTERS BUTAW REGIMENT, }
TWENTY-FIFTH S. C. V., June 17, 1862.

To Captain Joseph Walker, A. A. A. General:

CAPTAIN: I have the honor to make the following report of the results of the engagement of yesterday to my regiment.

Having been ordered to move at reveille, I formed and marched my regiment to the field in rear of Hill's house, and having there reported to Colonel Hagood, was placed by him in position behind a hedge. Upon being placed in position, I was informed that Colonel Stevens had a portion of his regiment deployed as skirmishers in our front, and was ordered to take all precautions to prevent our men firing into them.

Shortly after we took position, we were put under a heavy fire of small arms, directed principally against my left wing. In obedience to orders, I kept my men under restraint, and prevented any firing, until feeling satisfied that the

enemy were actually in my front. I then gave orders to fire. After a brisk fire of about a half-hour, they were driven off. During their retreat, we were exposed to an enflading fire from a field battery on our flank.

The behavior of my regiment was such as I could have wished.

Lieutenant Blum, of the Washington light infantry, company B, whose company was chiefly under fire, distinguished himself by his extreme coolness, encouraging his men. He rendered most efficient aid in restraining their natural desire to return the fire of the enemy. The conduct of his men could not be surpassed. They were under my eye all the time. Two of his men, privates J. Campbell Martin and T. Grange Simons, Jr.—the first wounded in the head and leg, and the other in three places, with his clothes riddled—continued to fire until taken from the field.

A large number of arms and accoutrements were recovered from the field, and several prisoners were captured.

With this, I inclose the reports of Lieutenant Blum and of Captain Adger, Quartermaster. The arms and accoutrements are in the hands of the latter, subject to your order.

Very respectfully, your obedient servant,

CHARLES H. SIMONTON,
Lieutenant-Colonel Commanding.

REPORT OF LIEUTENANT R. A. BLUM.

CAMP PETTIGREW, JAMES ISLAND, S. C., }
June 16, 1862. }

Lieutenant-Colonel Simonton:

I beg leave to report the following casualties and incidents of this morning's engagement.

Shortly after our regiment had taken its position, my company was subjected to repeated volleys discharged from the thicket, immediately in our front, which we had been informed was held by a company from Colonel Stevens's regiment. On this account, in obedience to orders from Colonel Hagood, we did not reply for several minutes. Soon after our first volley, which was briskly returned by the enemy, Lieutenant R. W. Greer, and First Sergeant Fleetwood Laneau, Jr., with the following members of my company, fell dead upon the field:

T. N. Gadsden, Jr., and Samuel Satters, J. H. Tavener and J. Campbell Martin, supposed mortally wounded.

The following were severely wounded:

Second battalion, Lieutenant Samuel J. Burger; privates H. B. Glover, A. S. Trumbo, T. Grange Simons, Jr., J. H. Deveaux, James P. Gibbes, R. S. McCutchen, J. H. Shulte.

It is impossible for me to single out individual instances, where all behaved with the utmost coolness and bravery, but I feel that it is but just to report the conduct of John Campbell Martin and T. Grange Simons, Jr., as worthy of special notice. After being severely wounded, they persisted in reloading and firing until overcome by exhaustion.

I am, yours respectfully,
R. A. BLUM,
Lieutenant Commanding W. L. Co. 1. 1. 1.

REPORT OF CAPTAIN J. E. ADGER.

CAMP PETTIGREW, JAMES ISLAND, }
June 16, 1862.

Lieutenant-Colonel Simonton, Commanding Eutaw Regiment, Twenty-fifth South-Carolina Volunteers.

COLONEL: I beg leave to make the following return of arms and accoutrements, etc., recovered from the field during, and subsequent to, this morning's engagement with the enemy:

Enfield rifles, in order, ...	54
" " needing repair, ...	3
" " not repairable, ...	3-60
Minié " in order, ...	8
Total number of arms, ...	68
Cartridge boxes, ...	44
" " and belts, ...	26
Waist-belts, ...	28
" " clasps wanting, ...	9-37
Bayonet scabbards, ...	38
Cap-boxes, ...	24
Cartridges (Enfield,)	950

Very respectfully, your obedient servant,

J. E. ADGER,

Quartermaster Eutaw Regiment and Acting Ordnance Officer.

REPORT OF LIEUT-COLONEL J. MCENERY.

SECESSIONVILLE, June 20, 1862.

To Captain Mallory P. King, Assistant Adjutant-General.

CAPTAIN: I have the honor to submit the following report of the part taken in the battle of the sixteenth of June, near Secessionville, by my battalion:

A little after dawn, on the morning of the sixteenth instant, Colonel Hagood, commanding First regiment South-Carolina volunteers, came in person to my quarters, about two miles and a half distant from this place, and ordered me to have my battalion under arms and march immediately to the Secessionville battery, at which place an engagement with the enemy was being had. With promptness the battalion was formed, and the march, at double-quick, was begun in the direction of Secessionville. When arrived at the first cross-roads, some little delay ensued, arising from my ignorance of the road leading to Secessionville. After the lapse of a few moments I was assured as to the right road, and instantly the battalion was moved off at double-quick for the scene of action. Arriving at Secessionville, I was informed that the enemy in force were advancing on the right of the battery on the opposite side of the marsh, directly up the marsh to the bridge. I hastened my command, at a run, through an open ground to the woods on the marsh. In crossing this open marsh, and while placing the battalion in position in the outer edge of the woods, it was exposed to a terrific fire from the enemy's gunboats, siege battery, field batteries, and small arms. I then ordered the men to advance in the skirt of woods, the better to view the enemy, and afford it protection from the in-

cessant fire of the enemy. At this point, for half an hour, the fire on both sides was indeed terrific. Finally, the enemy waned, fell back, and there begun his precipitate retreat on the right in front. The gallant Lamar being struck down, and being the senior officer present, I caused an incessant volley of grape and canister to be poured into the broken and retreating columns of the enemy, until they passed beyond view. Colonel Goodlet, my senior officer, arriving about twelve M., assumed command.

I cannot speak in terms of too high praise of the coolness, bravery, and gallantry of the officers and men of my little command. I went into the action with two hundred and fifty men, and succeeded in putting to rout twice that force of the enemy on the right. I think that the force of the enemy would undoubtedly have completely flanked the battery but for our timely arrival.

The small band of brave men in the fort, exhausted and broken down in their almost superhuman exertions in repelling the foe in front, must have been unequal to the task of successfully engaging the enemy in front and on the right.

It is impossible to arrive at a correct list of the slain and wounded of the enemy, as in his retreat he bore off the field many of his dead and wounded. One hundred and sixty-eight of the enemy were buried on the field. My battalion brought from the battle-field in front the following arms and accoutrements, which have been delivered to the ordnance office, namely:

Enfield rifles (in good condition,)	27
" " (damaged,)	4
Rifled muskets, (in good condition,)	83
Springfield muskets, (in good condition,)	62
" " (damaged,)	6
Total, ...	182
Cartridge boxes, ...	78
Saddles, ...	2

These are arms and accoutrements we gathered on that part of the field in front. Troops belonging to other commands, I understand, picked up a great many arms and accoutrements on the right across the marsh. I suppose the above arms are about one third of the number captured.

The number of casualties in my battalion: total killed, six; total wounded, twenty-two: total casualties, twenty-eight.

This report would have been made earlier, but now is the first opportunity since the battle that I have had to write it.

I am, Captain, your obedient servant,

J. MCENERY,

Lieutenant-Colonel Commanding Fourth Louisiana Battalion.

REPORT OF COLONEL S. D. GOODLET.

HEADQUARTERS TWENTY-SECOND REGIMENT S. C. V., }
CAMP ON JAMES ISLAND, S. C., June 18, 1862.

General Evans, James Island, S. C.:

GENERAL: I have the honor to make the following report of the casualties in my command, originating from the fight of the sixteenth instant:

In obedience to an order from headquarters, I

detailed one hundred picket-men, ten from each company, to go as a fatigue-party about one o'clock A.M., of the sixteenth instant, to Secessionville. I placed Captain Joshua Jamison in command of the detail, and Lieutenants L. S. Hill, H. H. Sally, and J. B. Cobb, were detailed as Lieutenants, thus completing a command as one company.

This detail arrived at Secessionville in time to meet the first onset of the enemy. Captain Jamison, and Lieutenants Hill, Sally, and Cobb, acted with great coolness, courage, and determination, and sustained and supported Captain Reid's battery to the last. The ranks of this detail, as will be seen by the exhibit A, accompanying this, were decimated. Killed, ten; wounded, seven.

The balance of my command were ordered to support the battery to the right of Secessionville, when a galling fire was opened upon us from the enemy's artillery, without damage.

We were then ordered to the support of Secessionville, and arrived there at the close of the engagement.

I am happy to state that my command throughout acted with coolness and determination; and that too much praise cannot be bestowed upon Captain Jamison and the lieutenants and detail before alluded to, for the manner in which they demeaned themselves in the fight.

I would state one fact, before bringing this report to a close, that according to the number actively engaged, that the detail of one hundred men made from my command, under Captain Jamison, suffered more in proportion than any of the forces on our side.

I have the honor to be, sir, your obedient servant,
S. D. GOODLET,
Colonel Commanding Twenty-second Regiment S. C. V.

Names of individuals reported by commanders, as distinguished for gallant conduct in the affair at James Island.

In the report of Brigadier-General N. G. Evans: Colonel J. G. Lamar, Lamar's regiment S. C. artillery, for gallant and meritorious conduct.

Lieutenant-Colonel Gaillard, Charleston battalion S. C. V., (mentioned particularly in report of Colonel J. G. Lamar,) gallant conduct.

Lieutenant-Colonel A. D. Smith, Smith's battalion S. C. V., (mentioned particularly in report of Colonel J. G. Lamar,) gallant conduct.

Captain Samuel J. Reed, company B, Lamar's regiment artillery, fell gallantly fighting one of his guns, again mentioned in report of Colonel J. G. Lamar.

Personal staff:

First Lieutenant W. H. Rogers, special aid-de-camp, rendered valuable service in transmitting orders under fire.

Captains R. E. Elliott, Samuel J. Corrie, and H. W. Carr, volunteer aids-de-camp, rendered valuable service in transmitting orders under fire.

Assistant Surgeon James Evans, rendered material aid to the wounded.

In the report of Colonel J. G. Lamar:

Lieutenant-Colonel A. D. Smith, Smith's battalion, S. C. V., gallant and meritorious conduct, (mentioned in report of Brigadier-General N. G. Evans.)

Lieutenant-Colonel C. P. Gaillard, Charleston battalion, gallant conduct, mentioned in report of Brigadier-General N. G. Evans, stationed in the centre and on the right of battery, at Secessionville, and subsequently in command of the battery.

Major David Ramsay, Charleston battalion, meritorious conduct on the right of the battery at Secessionville. Major Hudson, Smith's battalion, meritorious conduct, on the left of the battery at Secessionville.

Captain Samuel J. Reed, company B, Lamar's regiment artillery, fell fighting at one of his guns on the battery at Secessionville, (mentioned in Brigadier-General Evans's report.)

Captain F. T. Miles, Calhoun Guard, Charleston battalion, gallant conduct, stationed on battery at Secessionville.

Captain G. D. Keitt, Lamar's regiment artillery, great bravery.

Lieutenants Barton, Oliver, and Mosley, same regiment, great bravery.

Senior First Lieutenant J. B. Humbert, company I, Lamar's regiment artillery, specially mentioned for great bravery and valuable service, stationed in battery at Secessionville, eight-inch columbiad.

Lieutenants Lancaster and Johnson, company B, Lamar's regiment, and Lieutenant Bellinger, of same company, gallant conduct, in battery at Secessionville.

Lieutenant W. H. Ketchings, company H, Lamar's regiment, gallant conduct, Reed's battery, Clarke's house.

Adjutant E. J. Frederick, Lamar's regiment, gallant conduct, battery at Secessionville, and Reed's battery, at Clarke's house.

Captain W. W. McCreery, ordnance department, C. S. A., rendered valuable service at the eight-inch columbiad, in the battery at Secessionville.

Captain Bonneau, Lieutenants Mathews and Hall, C. S. N., rendered valuable service at the eight-inch columbiad in the battery at Secessionville.

In the report of Colonel S. D. Goodlet, Twenty-second regiment S. C. V.:

Captain Joshua Jamison, Lieutenant L. S. Hill, H. H. Sally, and J. B. Cobb, valuable service and gallant conduct in sustaining the battery at Clarke's house.

In the report of Colonel Stephens, Twenty-fourth regiment S. C. V.:

Lieutenant-Colonel Capers, Twenty-fourth regiment S. C. V., gallant conduct in defending advanced battery of twenty-four pound guns.

Captain Tompkins, company K, and Lieutenant Beckham, company G, gallant conduct in holding advanced position until ordered to withdraw.

In the report of Lieutenant-Colonel A. D. Smith, Smith's battalion S. C. V.:

Lieutenant Campbell, company F, gallant con-

duct in personally repulsing an assaulting party on the left of the battery at Secessionville.

Captain W. H. Ryan, valuable service in battery at Secessionville.

Lieutenant E. Brown, company F, and Lieutenant Alexander A. Allemory, Irish volunteers, valuable service in carrying ammunition through fire of artillery and infantry.

Sergeant Hendricks, valuable service in carrying ammunition under heavy fire in battery at Secessionville.

Private Joseph Tennent, of the Calhoun Guard, gallant conduct on the left of battery at Secessionville.

In the report of Lieutenant-Colonel Simonton, Eutaw battalion:

Lieutenant Blum, Washington light infantry, company B, gallant conduct, advanced position, on the right flank.

Total casualties in the battle: killed, fifty-one; wounded, one hundred and forty-four; missing, nine; since dead, three: total, two hundred and seven.

Doc. 89.

GEN. PLEASANTON'S RECONNOISSANCE.

RICHMOND "DISPATCH" ACCOUNT.*

CAMP NEAR MARTINSBURGH, October 4, 1862.

To the Second brigade of cavalry, commanded by Gen. W. H. F. Lee, was assigned the important duty of guarding the fords on the Potomac at and near Shepherdstown. On the morning of the first instant the enemy crossed the river at a ford just below the village and advanced, driving in our pickets, their force consisting of General Pleasanton's brigade of cavalry, composed of the Eighth Illinois, Third Indiana, Sixth Pennsylvania, and a Massachusetts regiment, accompanied by a battery of six pieces of artillery. Their columns moved upon three roads, the Shepherdstown and Winchester turnpike, a county road bearing across to the Martinsburgh and Winchester turpikes, and the road leading directly to Martinsburgh. The Ninth Virginia, at that time on picket-duty, contested the ground inch by inch, as it was forced to fall back before the superior numbers of the enemy and await reinforcement, during which time the first squadron of that regiment made a brilliant charge, led by Captain Swann, driving the enemy before them until, overpowered, it was compelled to retire, with a loss of one man killed and two wounded. About eleven o'clock the Fourth Virginia was ordered down on the county road before mentioned to support the Ninth; but having soon ascertained that the main body of the enemy were advancing on Martinsburgh, the whole brigade was immediately ordered around to that point. On approaching the town the enemy were found to be in possession, having brought their artillery to bear on the pickets of the First North-Carolina, in charge of that post, which, being unsupported, was com-

pelled to fall back. At this juncture Gen. Stuart came upon the field and took command, leading the column in person. Sharpshooters having been thrown out to the front, under command of Captain W. W. Strother, moving steadily on, the Fourth Virginia in front, led by Colonel William C. Wickham, who, by his tested intrepidity in many instances, has won the confidence and esteem of his men, the enemy were driven from the town and compelled to fall back to a strong position on the Opequan, near Stone Bridge, where, placing their battery on the summit of the hills on the opposite side, they prepared to make a stand, their cannon commanding the road for the distance of a mile and a half toward Martinsburgh.

Pausing for a moment to deploy the sharpshooters under Captain Strother, the Fourth Virginia dashed boldly forward, and though shell burst in quick succession overhead, and grape and canister ploughed the road in front, not a cheek was pale or a heart daunted; for, conspicuous to all was Stuart, their veteran commander, gallantly leading the front. When the enemy beheld the column dash over the bridge in the face of their guns, and the riflemen under their bold leader were pressing sharply forward and pouring their volleys in upon their flank, they broke in confusion, leaving the field at full speed; nor did they rally again until within a mile and a half of Shepherdstown. Here they were found drawn up to receive the charge, as follows: On the left of the road, in a field, immediately behind a stone wall, the Eighth Illinois in line, platoons thrown out to cover the flanks; on the opposite side, some hundred yards further on, the Third Indiana in a similar position; also, behind a strong stone wall, the balance of their cavalry, drawn up in the road, in reserve; and some half a mile to the rear of all, their artillery planted on a commanding eminence, showered down its iron hail, while from behind every stone fence or bush their sharpshooters opened a cross-fire upon our advancing column. This was, indeed the crisis of the day; the enemy, so situated that it seemed impossible to close with them, were raking the road with incessant volleys. Scanning the field at a glance, Gen. Stuart, still in front cheering his men, gave the command, "Charge them, Hobson; we can't stand this!" and that gallant officer, who, with the first squadron of the Fourth Virginia, composed of his own company, (the Goochland,) and Capt. Strother's, (the Madison Dragoons,) had boldly led the front during the whole day, now rising in his stirrups, waving his hat, echoed back the order—"Charge!" and every heart in his little band responded nobly to the call. Plunging their rowels deep into their already jaded steeds, they rushed upon the foe and closed in the shock of battle with ten times their number. Fortunately, in their haste, when forming in the field, the enemy neglected to close the narrow gate through which they passed, the only approach by which they could be assailed hand to hand, and through this narrow avenue the squadron rushed by single file, led by their gallant commanders, Capts. Hobson

* See page 822 Doc. 5, Vol. V.

and Strother, and other officers, each eager to be the first to cross sabres with the enemy, who, reserving their fire, opened upon the squadron as one by one they closed with them, and only yielded the field when their repeaters were exhausted, and many of them had tried the temper of Southern steel and the strength of Southern arms. The rout was complete—they fled, leaving their wounded and dismounted men to fall into our hands, crossed the river below Shepherds-town in confusion, and sought a resting-place for the night beyond the Potomac, where their slumbers might be less liable to interruption. The ladies of the village welcomed the “rebels” after the labors of the day with all those winning demonstrations of female joy so peculiarly adapted to an occasion like this, and gratifying to a soldier, who feels within himself the proud consciousness of having faithfully discharged his duty.

We are called upon to lament, among the rest, the fate of Lieut. R. H. Gills, of Buckingham, who, pressing boldly to the front in this charge, fell a martyr to his love of liberty and devoted zeal for our glorious cause. N.

Doc. 90.

THE ARMY OF THE POTOMAC.

LETTER FROM THE SECRETARY OF WAR,

Transmitting the Report of Major-General George B. McClellan upon the Organization of the Army of the Potomac, and its Campaigns in Virginia and Maryland, from July twenty-sixth, 1861, to November seventh, 1862.

WAR DEPARTMENT, WASHINGTON CITY, D. C.,
December 22, 1863. }

SIR: In compliance with the resolution dated December fifteenth, 1863, I have the honor to communicate herewith “the report made by Major-General George B. McClellan, concerning the organization and operations of the army of the Potomac while under his command, and of all army operations while he was commander-in-chief.”

I am, sir, very respectfully, your obedient servant,
EDWIN M. STANTON,
Secretary of War.

HON. SCHUYLER COLFAX,
Speaker of the House of Representatives.

REPORT OF GEN. GEORGE B. MCCLELLAN.

FIRST PERIOD.

CHAPTER I.

NEW-YORK, August 4, 1863.

SIR: I have the honor to submit herein the official report of the operations of the army of the Potomac while under my charge. Accompanying it are the reports of the corps, division, and subordinate commanders, pertaining to the various engagements, battles, and occurrences of the campaigns, and important documents connected with its organization, supply, and movements. These, with lists of maps and memo-

randa submitted; will be found appended, duly arranged, and marked for convenient reference.

Charged, in the spring of 1861, with the operations in the department of the Ohio, which included the States of Illinois, Indiana, Ohio, and latterly Western Virginia, it had become my duty to counteract the hostile designs of the enemy in Western Virginia, which were immediately directed to the destruction of the Baltimore and Ohio Railroad, and the possession of the Kanawha Valley, with the ultimate object of gaining Wheeling and the control of the Ohio River.

The successful affairs of Philippi, Rich Mountain, Carrick's Ford, etc., had been fought, and I had acquired possession of all Western Virginia north of the Kanawha Valley, as well as of the lower portion of that valley.

I had determined to proceed to the relief of the upper Kanawha Valley, as soon as provision was made for the permanent defence of the mountain passes leading from the east into the region under control, when I received at Beverly, in Randolph County, on the twenty-first of July, 1861, intelligence of the unfortunate result of the battle of Manassas, fought on that day.

On the twenty-second I received an order by telegraph, directing me to turn over my command to Brigadier-General Rosecrans, and repair at once to Washington.

I had already caused reconnoissances to be made for intrenchments at the Cheat Mountain pass; also on the Hunterville road, near Elkwater, and at Red House, near the main road from Romney to Grafton. During the afternoon and night of the twenty-second I gave the final instructions for the construction of these works, turned over the command to Brigadier-General Rosecrans, and started, on the morning of the twenty-third, for Washington, arriving there on the afternoon of the twenty-sixth. On the twenty-seventh I assumed command of the division of the Potomac, comprising the troops in and around Washington, on both banks of the river.

With this brief statement of the events which immediately preceded my being called to the command of the troops at Washington, I proceed to an account, from such authentic data as are at hand, of my military operations while commander of the army of the Potomac.

The subjects to be considered naturally arrange themselves as follows:

The organization of the army of the Potomac. The military events connected with the defences of Washington, from July, 1861, to March, 1862. The campaign on the Peninsula, and that in Maryland.

The great resources and capacity for powerful resistance of the South at the breaking out of the Rebellion, and the full proportions of the great conflict about to take place, were sought to be carefully measured; and I had also endeavored, by every means in my power, to impress upon the authorities the necessity for such immediate and full preparation as alone would enable the Government to prosecute the war on a scale commensurate with the resistance to be offered.

On the fourth of August, 1861, I addressed to the President the following memorandum, prepared at his request:

MEMORANDUM.

The object of the present war differs from those in which nations are engaged, mainly in this: that the purpose of ordinary war is to conquer a peace, and make a treaty on advantageous terms; in this contest it has become necessary to crush a population sufficiently numerous, intelligent, and warlike to constitute a nation. We have not only to defeat their armed and organized forces in the field, but to display such an overwhelming strength as will convince all our antagonists, especially those of the governing, aristocratic class, of the utter impossibility of resistance. Our late reverses make this course imperative. Had we been successful in the recent battle (Manassas) it is possible that we might have been spared the labor and expenses of a great effort.

Now we have no alternative. Their success will enable the political leaders of the rebels to convince the mass of their people that we are inferior to them in force and courage, and to command all their resources. The contest began with a class, now it is with a people—our military success can alone restore the former issue.

By thoroughly defeating their armies, taking their strong places, and pursuing a rigidly protective policy as to private property and unarmed persons, and a lenient course as to private soldiers, we may well hope for a permanent restoration of a peaceful Union. But in the first instance the authority of the Government must be supported by overwhelming physical force.

Our foreign relations and financial credit also imperatively demand that the military action of the Government should be prompt and irresistible.

The rebels have chosen Virginia as their battlefield, and it seems proper for us to make the first great struggle there. But while thus directing our main efforts, it is necessary to diminish the resistance there offered us, by movements on other points both by land and water.

Without entering at present into details, I would advise that a strong movement be made on the Mississippi, and that the rebels be driven out of Missouri.

As soon as it becomes perfectly clear that Kentucky is cordially united with us, I would advise a movement through that State into Eastern Tennessee, for the purpose of assisting the Union men of that region and of seizing the railroads leading from Memphis to the east.

The possession of these roads by us, in connection with the movement on the Mississippi, would go far toward determining the evacuation of Virginia by the rebels. In the mean time all the passes into Western Virginia from the east should be securely guarded, but I would advise no movement from that quarter toward Richmond, unless the political condition of Kentucky renders it impossible or inexpedient for us to

make the movement upon Eastern Tennessee through that State. Every effort should, however, be made to organize, equip and arm as many troops as possible in Western Virginia, in order to render the Ohio and Indiana regiments available for other operations.

At as early a day as practicable, it would be well to protect and reopen the Baltimore and Ohio Railroad. Baltimore and Fort Monroe should be occupied by garrisons sufficient to retain them in our possession.

The importance of Harper's Ferry and the line of the Potomac in the direction of Leesburgh will be very materially diminished so soon as our force in this vicinity becomes organized, strong, and efficient, because no capable general will cross the river north of this city, when we have a strong army here ready to cut off his retreat.

To revert to the west. It is probable that no very large additions to the troops now in Missouri will be necessary to secure that State.

I presume that the force required for the movement down the Mississippi will be determined by its commander and the President. If Kentucky assumes the right position, not more than twenty thousand will be needed, together with those that can be raised in that State and Eastern Tennessee, to secure the latter region and its railroads as well as ultimately to occupy Nashville.

The Western Virginia troops, with not more than five to ten thousand from Ohio and Indiana, should, under proper management, suffice for its protection.

When we have reorganized our main army here, ten thousand men ought to be enough to protect the Baltimore and Ohio Railroad and the Potomac, five thousand will garrison Baltimore, three thousand Fort Monroe, and not more than twenty thousand will be necessary at the utmost for the defence of Washington.

For the main army of operations I urge the following composition:

250 regiments of infantry, say,	225,000 men.
100 field batteries, 600 guns, ..	15,000 "
28 regiments of cavalry, ...	25,500 "
5 regiments engineer troops, ...	7,500 "

Total, ... 273,000 "

The force must be supplied with the necessary engineer and pontoon trains, and with transportation for every thing save tents. Its general line of operations should be so directed that water transportation can be availed of from point to point, by means of the ocean and the rivers emptying into it. An essential feature of the plan of operations will be the employment of a strong naval force to protect the movement of a fleet of transports intended to convey a considerable body of troops from point to point of the enemy's sea-coast, thus either creating diversions and rendering it necessary for them to detach largely from their main body in order to protect such of their cities as may be threatened, or else landing and forming establishments on their coast at any favorable places that opportunity

might offer. This naval force should also co-operate with the main army in its efforts to seize the important seaboard towns of the rebels.

It cannot be ignored that the construction of railroads has introduced a new and very important element into war, by the great facilities thus given for concentrating at particular positions large masses of troops from remote sections, and by creating new strategic points and lines of operations.

It is intended to overcome this difficulty by the partial operations suggested, and such others as the particular case may require. We must endeavor to seize places on the railways in the rear of the enemy's points of concentration, and we must threaten their seaboard cities, in order that each State may be forced, by the necessity of its own defence, to diminish its contingent to the confederate army.

The proposed movement down the Mississippi will produce important results in this connection. That advance and the progress of the main army at the East will materially assist each other by diminishing the resistance to be encountered by each.

The tendency of the Mississippi movement upon all questions connected with cotton is too well understood by the President and Cabinet to need any illustration from me.

There is another independent movement that has often been suggested and which has always recommended itself to my judgment. I refer to a movement from Kansas and Nebraska through the Indian Territory upon Red River and Western Texas for the purpose of protecting and developing the latent Union and free State sentiment well known to predominate in Western Texas, and which, like a similar sentiment in Western Virginia, will, if protected, ultimately organize that section into a free State. How far it will be possible to support this movement by an advance through New-Mexico from California, is a matter which I have not sufficiently examined to be able to express a decided opinion. If at all practicable, it is eminently desirable, as bringing into play the resources and warlike qualities of the Pacific States, as well as identifying them with our cause and connecting the bond of Union between them and the general government.

If it is not departing too far from my province, I will venture to suggest the policy of an ultimate alliance and cordial understanding with Mexico; their sympathies and interests are with us—their antipathies exclusively against our enemies and their institutions. I think it would not be difficult to obtain from the Mexican government the right to use, at least during the present contest, the road from Guaymas to New-Mexico; this concession would very materially reduce the obstacles of the column moving from the Pacific; a similar permission to use their territory for the passage of troops between the Panuco and the Rio Grande would enable us to throw a column of troops by a good road from Tampico, or some of the small harbors north of it, upon and across

the Rio Grande, without risk and scarcely firing a shot.

To what extent, if any, it would be desirable to take into service and employ Mexican soldiers, is a question entirely political, on which I do not venture to offer an opinion.

The force I have recommended is large; the expense is great. It is possible that a smaller force might accomplish the object in view, but I understand it to be the purpose of this great nation to reestablish the power of its government, and restore peace to its citizens, in the shortest possible time.

The question to be decided is simply this: shall we crush the rebellion at one blow, terminate the war in one campaign, or shall we leave it as a legacy for our descendants?

When the extent of the possible line of operations is considered, the force asked for the main army under my command cannot be regarded as unduly large; every mile we advance carries us further from our base of operations and renders detachments necessary to cover our communications, while the enemy will be constantly concentrating as he falls back. I propose, with the force which I have requested, not only to drive the enemy out of Virginia and occupy Richmond, but to occupy Charleston, Savannah, Montgomery, Pensacola, Mobile, and New-Orleans; in other words, to move into the heart of the enemy's country and crush the rebellion in its very heart.

By seizing and repairing the railroads as we advance, the difficulties of transportation will be materially diminished. It is perhaps unnecessary to state that, in addition to the forces named in this memorandum, strong reserves should be formed, ready to supply any losses that may occur.

In conclusion, I would submit that the exigencies of the treasury may be lessened by making only partial payments to our troops, when in the enemy's country, and by giving the obligations of the United States for such supplies as may there be obtained. Geo. B. McCLELLAN,

Major-General.

I do not think the events of the war have proved these views upon the method and plans of its conduct altogether incorrect. They certainly have not proved my estimate of the number of troops and scope of operations too large. It is probable that I did under-estimate the time necessary for the completion of arms and equipments. It was not strange, however, that by many civilians intrusted with authority there should have been an exactly opposite opinion held on both these particulars.

The result of the first battle of Manassas had been almost to destroy the *morale* and organization of our army, and to alarm Government and people. The national capital was in danger; it was necessary, besides holding the enemy in check, to build works for its defence, strong and capable of being held by a small force.

It was necessary also to create a new army for active operations and to expedite its organization, equipment, and the accumulation of the material of war, and to this not inconsiderable labor

my energies for the next three months were constantly devoted.

Time is a necessary element in the creation of armies, and I do not, therefore, think it necessary to more than mention the impatience with which many regarded the delay in the arrival of new levies, though recruited and pressed forward with unexampled rapidity, the manufacture and supply of arms and equipments, or the vehemence with which an immediate advance upon the enemy's works directly in our front was urged by a patriotic but sanguine people.

The President, too, was anxious for the speedy employment of our army, and although possessed of my plans through frequent conferences, desired a paper from me upon the condition of the forces under my command and the immediate measures to be taken to increase their efficiency. Accordingly, in the latter part of October I addressed the following letter to the Secretary of War:

SIR: In conformity with a personal understanding with the President yesterday, I have the honor to submit the following statement of the condition of the army under my command, and the measures required for the preservation of the Government and the suppression of the rebellion.

It will be remembered that in a memorial I had the honor to address to the President soon after my arrival in Washington, and in my communication addressed to Lieutenant-General Scott, under date of eighth of August; in my letter to the President authorizing him, at his request, to withdraw the letter written by me to General Scott; and in my letter of the eighth of September, answering your note of inquiry of that date, my views on the same subject are frankly and fully expressed.

In these several communications I have stated the force I regarded as necessary to enable this army to advance with a reasonable certainty of success, at the same time leaving the capital and the line of the Potomac sufficiently guarded, not only to secure the retreat of the main army, in the event of disaster, but to render it out of the enemy's power to attempt a diversion in Maryland.

So much time has passed, and the winter is approaching so rapidly, that but two courses are left to the Government, namely, either to go into winter quarters, or to assume the offensive with forces greatly inferior in numbers to the army I regarded as desirable and necessary. If political considerations render the first course unadvisable, the second alone remains. While I regret that it has not been deemed expedient, or perhaps possible, to concentrate the forces of the nation in this vicinity, (remaining on the defensive elsewhere,) keeping the attention and efforts of the Government fixed upon this as the vital point, where the issue of the great contest is to be decided, it may still be that, by introducing unity of action and design among the various armies of the land, by determining the courses to be pursued by the various commanders under one general plan,

transferring from the other armies the superfluous strength not required for the purpose in view, and thus reinforcing this main army, whose destiny it is to decide the controversy, we may yet be able to move with a reasonable prospect of success before the winter is fairly upon us.

The nation feels, and I share that feeling, that the army of the Potomac holds the fate of the country in its hands.

The stake is so vast, the issue so momentous, and the effect of the next battle will be so important throughout the future, as well as the present, that I continue to urge, as I have ever done since I entered upon the command of this army, upon the Government to devote its energies and its available resources toward increasing the numbers and efficiency of the army on which its salvation depends.

A statement, carefully prepared by the chiefs of engineers and artillery of this army, gives us the necessary garrison of this city and its fortifications, thirty-three thousand seven hundred and ninety-five men—say thirty-five thousand.

The present garrison of Baltimore and its dependencies is about ten thousand. I have sent the chief of my staff to make a careful examination into the condition of these troops, and to obtain the information requisite to enable me to decide whether this number can be diminished, or the reverse.

At least five thousand men will be required to watch the river hence to Harper's Ferry and its vicinity; probably eight thousand to guard the Lower Potomac.

As you are aware, all the information we have from spies, prisoners, etc., agrees in showing that the enemy have a force on the Potomac not less than one hundred and fifty thousand strong, well drilled and equipped, ably commanded and strongly intrenched. It is plain, therefore, that to insure success, or to render it reasonably certain, the active army should not number less than one hundred and fifty thousand efficient troops, with four hundred guns, unless some material change occurs in the force in front of us.

The requisite force for an advance movement by the army of the Potomac may be thus estimated:

Column of active operations,.....	150,000 men,	400 guns.
Garrison of the city of Washington,....	35,000 "	40 "
To guard the Potomac to Harper's Ferry,	5,000 "	12 "
To guard the Lower Potomac,.....	8,000 "	24 "
Garrison for Baltimore and Annapolis,...	10,000 "	24 "

Total effective force required,..... 208,000 men, 496 guns.

or an aggregate, present and absent, of about two hundred and forty thousand men, should the losses by sickness, etc., not rise to a higher percentage than at present.

Having stated what I regard as the requisite force to enable this army to advance, I now proceed to give the actual strength of the army of the Potomac.

The aggregate strength of the army of the Potomac, by the official report on the morning of the twenty-seventh instant, was one hundred and

sixty-eight thousand three hundred and eighteen officers and men, of all grades and arms. This included the troops at Baltimore and Annapolis, on the Upper and Lower Potomac, the sick, absent, etc.

The force present for duty was one hundred and forty-seven thousand six hundred and ninety-five. Of this number, four thousand two hundred and sixty-eight cavalry were completely unarmed, three thousand one hundred and sixty-three cavalry only partially armed, five thousand nine hundred and seventy-nine infantry unequipped, making thirteen thousand four hundred and ten unfit for the field, (irrespective of those not yet sufficiently drilled,) and reducing the effective force to one hundred and thirty-four thousand two hundred and eighty-five, and the number disposable for an advance to seventy-six thousand two hundred and eighty-five. The infantry regiments are, to a considerable extent, armed with unserviceable weapons. Quite a large number of good arms, which had been intended for this army, were ordered elsewhere, leaving the army of the Potomac insufficiently, and, in some cases, badly armed.

On the thirtieth of September there were with this army two hundred and twenty-eight field guns ready for the field; so far as arms and equipments are concerned, some of the batteries are still quite raw, and unfit to go into action. I have intelligence that eight New-York batteries are *en route* hither; two others are ready for the field. I will still (if the New-York batteries have six guns each) be one hundred and twelve guns short of the number required for the active column, saying nothing, for the present, of those necessary for the garrisons and corps on the Potomac, which would make a total deficiency of two hundred guns.

I have thus briefly stated our present condition and wants; it remains to suggest the means of supplying the deficiencies.

First, that all the cavalry and infantry arms, as fast as procured, whether manufactured in this country or purchased abroad, be sent to this army until it is fully prepared for the field.

Second, that the two companies of the Fourth artillery, now understood to be *en route* from Fort Randall to Fort Monroe, be ordered to this army, to be mounted at once; also, that the companies of the Third artillery, *en route* from California, be sent here. Had not the order for Smead's battery to come here from Harrisburgh, to replace the battery I gave General Sherman, been so often countermanded, I would again ask for it.

Third, that a more effective regulation may be made authorizing the transfer of men from the volunteers to the regular batteries, infantry and cavalry; that we may make the best possible use of the invaluable regular "skeletons."

Fourth, I have no official information as to the United States forces elsewhere, but, from the best information I can obtain from the War Department and other sources, I am led to believe that the United States troops are:

In Western Virginia, about.....	80,000
In Kentucky,.....	40,000
In Missouri,.....	80,000
In Fortress Monroe,.....	11,000

Total,..... 161,000

Besides these, I am informed that more than one hundred thousand are in progress of organization in other Northern and Western States.

I would therefore recommend that, not interfering with Kentucky, there should be retained in Western Virginia and Missouri a sufficient force for defensive purposes, and that the surplus troops be sent to the army of the Potomac, to enable it to assume the offensive; that the same course be pursued in respect to Fortress Monroe, and that no further outside expeditions be attempted until we have fought the great battle in front of us.

Fifth, that every nerve be strained to hasten the enrolment, organization and armament of new batteries and regiments of infantry.

Sixth, that all the battalions now raised for new regiments of regular infantry be at once ordered to this army, and that the old infantry and cavalry *en route* from California be ordered to this army immediately on their arrival in New-York.

I have thus indicated, in a general manner, the objects to be accomplished, and the means by which we may gain our ends.

A vigorous employment of these means will, in my opinion, enable the army of the Potomac to assume successfully this season the offensive operations which, ever since entering upon the command, it has been my anxious desire and diligent effort to prepare for and prosecute. The advance should not be postponed beyond the twenty-fifth of November, if possible to avoid it.

Unity in councils, the utmost vigor and energy in action are indispensable. The entire military field should be grasped as a whole, and not in detached parts.

One plan should be agreed upon and pursued; a single will should direct and carry out these plans.

The great object to be accomplished, the crushing defeat of the rebel army (now) at Manassas, should never for one instant be lost sight of, but all the intellect and means and men of the Government poured upon that point. The loyal States possess ample force to effect all this and more. The rebels have displayed energy, unanimity, and wisdom worthy of the most desperate days of the French revolution. Should we do less?

The unity of this nation, the preservation of our institutions, are so dear to me that I have willingly sacrificed my private happiness with the single object of doing my duty to my country. When the task is accomplished, I shall be glad to return to the obscurity from which events have drawn me.

Whatever the determination of the Government may be, I will do the best I can with the army of the Potomac, and will share its fate, whatever may be the task imposed upon me.

Permit me to add that, on this occasion as heretofore, it has been my aim neither to exaggerate nor underrate the power of the enemy, nor fail to express clearly the means by which, in my judgment, that power may be broken. Urging the energy of preparation and action, which has ever been my choice, but with the fixed purpose by no act of mine to expose the Government to hazard by premature movement, and requesting that this communication may be laid before the President,

I have the honor to be, very respectfully, your obedient servant,

G. B. McCLELLAN,
Major-General.

Hon. SIMON CAMERON,
Secretary of War.

When I assumed command in Washington, on the twenty-seventh of July, 1861, the number of troops in and around the city was about fifty thousand infantry, less than one thousand cavalry, and six hundred and fifty artillerymen, with nine imperfect field-batteries of thirty pieces.

On the Virginia bank of the Potomac the brigade organization of General McDowell still existed, and the troops were stationed at and in rear of Fort Corcoran, Arlington, and Fort Albany, at Fort Runyon, Roach's Mills, Cole's Mills, and in the vicinity of Fort Ellsworth, with a detachment at the Theological Seminary.

There were no troops south of Hunting Creek, and many of the regiments were encamped on the low grounds bordering the Potomac, seldom in the best positions for defence, and entirely inadequate in numbers and condition to defend the long line from Fort Corcoran to Alexandria.

On the Maryland side of the river, upon the heights overlooking the Chain Bridge, two regiments were stationed, whose commanders were independent of each other.

There were no troops on the important Tenallytown road, or on the roads entering the city from the south.

The camps were located without regard to purposes of defence or instruction, the roads were not picketed, and there was no attempt at an organization into brigades.

In no quarter were the dispositions for defence such as to offer a vigorous resistance to a respectable body of the enemy, either in the position and numbers of the troops, or the number and character of the defensive works. Earthworks, in the nature of *têtes de pont*, looked upon the approaches to the Georgetown aqueduct and ferry, the Long Bridge and Alexandria, by the Little river turnpike, and some simple defensive arrangements were made at the Chain Bridge. With the latter exception not a single defensive work had been commenced on the Maryland side.

There was nothing to prevent the enemy shelling the city from heights within easy range, which could be occupied by a hostile column almost without resistance. Many soldiers had deserted, and the streets of Washington were crowded with straggling officers and men, absent from their stations without authority, whose behavior indicated the general want of discipline and organization.

I at once designated an efficient staff, afterward adding to it as opportunity was afforded and necessity required, who zealously coöperated with me in the labor of bringing order out of confusion, reassigning troops and commands, projecting and throwing up defensive works, receiving and organizing, equipping and providing for the new levies arriving in the city.

The valuable services of these officers in their various departments, during this and throughout the subsequent periods of the history of the army of the Potomac, can hardly be sufficiently appreciated. Their names and duties will be given in another part of this report, and they are commended to the favorable notice of the War Department.

The restoration of order in the city of Washington was effected through the appointment of a provost-marshal, whose authority was supported by the few regular troops within my command. These troops were thus in position to act as a reserve, to be sent to any point of attack where their services might be most wanted. The energy and ability displayed by Colonel A. Porter, the Provost Marshal, and his assistants, and the strict discharge of their duty by the troops, produced the best results, and Washington soon became one of the most quiet cities in the Union.

The new levies of infantry, upon arriving in Washington, were formed into provisional brigades and placed in camp in the suburbs of the city for equipment, instruction and discipline. As soon as regiments were in a fit condition for transfer to the forces across the Potomac, they were assigned to the brigades serving there. Brigadier-General F. J. Porter was at first assigned to the charge of the provisional brigades. Brigadier-General A. E. Burnside was the next officer assigned this duty, from which, however, he was soon relieved by Brigadier-General S. Casey, who continued in charge of the newly arriving regiments until the army of the Potomac departed for the Peninsula, in March, 1862. The newly arriving artillery troops reported to Brigadier-General William F. Barry, the Chief of Artillery, and the cavalry to Brigadier General George Stoneman, the Chief of Cavalry.

By the fifteenth of October, the number of troops in and about Washington, inclusive of the garrison of the city and Alexandria, the city guard and the forces on the Maryland shore of the Potomac below Washington, and as far as Cumberland above, the troops under the command of General Dix at Baltimore and its dependencies, were as follows:

Total present for duty,.....	133,201
“ sick,.....	9,290
“ in confinement,.....	1,156
Aggregate present,.....	143,647
“ absent,.....	8,404
Grand aggregate,.....	152,051

The following table exhibits similar data for

the periods stated, including the troops in Maryland and Delaware:

Date.	Present.			Absent.	Total present and absent.
	For duty.	Sick.	In confinement.		
Dec. 1, 1861.	169,452	15,102	2,159	11,470	198,218
Jan. 1, 1862.	191,480	14,790	2,260	11,707	219,707
Feb. 1, 1862.	190,806	14,868	2,917	14,110	223,196
Mar. 1, 1862.	193,142	13,167	2,108	13,679	221,987

For convenience of reference the strength of the army of the Potomac at subsequent periods is given.

Date.	Present.						Absent.		Grand Aggregate, present and absent.				
	For duty.		Sick.		In arrest or confinement.		Aggregate.	By authority.					
										Officers.		Men.	
										Officers.	Men.	Officers.	Men.
April 30,	4,725	104,610	283	5,385	41	356	11,087	....	*126,887				
June 20,	4,665	101,160	496	10,541	44	320	27,700	887	†145,813				
July 10,	3,884	85,715	685	15,959	60	213	106,466	8,782	†144,886				

* Including Franklin.
† Including two brigades of Shields's division, 5854 men.
† Including McCall and Dix.

* Including Franklin.

† Including two brigades of Shields's division, 5854 men.

‡ Including McCall and Dix.

and the troops somewhat disciplined and instructed, divisions of three brigades each were gradually formed, as is elsewhere stated in this report, although I was always in favor of the organization into army corps as an abstract principle. I did not desire to form them until the army had been for some little time in the field, in order to enable the general officers first to acquire the requisite experience as division commanders on active service, and that I might be able to decide from actual trial who were best fitted to exercise these important commands.

For a similar reason I carefully abstained from making any recommendations for the promotion of officers to the grade of major-general.

When new batteries of artillery arrived they also were retained in Washington until their armament and equipment were completed, and their instruction sufficiently advanced to justify their being assigned to divisions. The same course was pursued in regard to cavalry. I regret that circumstances have delayed the Chief of Cavalry, General George Stoneman, in furnishing his report upon the organization of that arm of service. It will, however, be forwarded as soon as completed, and will, doubtless, show that the difficult and important duties intrusted to him were efficiently performed. He encountered and overcame, as far as it was possible, continual and vexatious obstacles arising from the great deficiency of cavalry arms and equipments, and the entire inefficiency of many of the regimental officers first appointed; this last difficulty was, to a considerable extent, overcome in the cavalry, as well as in the infantry and artillery, by the continual and prompt action of courts-martial and boards of examination.

As rapidly as circumstances permitted, every cavalry soldier was armed with a sabre and revolver, and at least two squadrons in every regiment with carbines.

It was intended to assign at least one regiment of cavalry to each division of the active army, besides forming a cavalry reserve of the regular regiments and some picked regiments of volunteer cavalry. Circumstances beyond my control rendered it impossible to carry out this intention fully, and the cavalry force serving with the army in the field was never as large as it ought to have been.

It was determined to collect the regular infantry to form the nucleus of a reserve. The advantage of such a body of troops at a critical moment, especially in an army constituted mainly of new levies, imperfectly disciplined, has been frequently illustrated in military history, and was brought to the attention of the country at the first battle of Manassas. I have not been disappointed in the estimate formed of the value of these troops. I have always found them to be relied on. Whenever they have been brought under fire they have shown the utmost gallantry and tenacity. The regular infantry, which had been collected from distant posts and which had been recruited as rapidly as the slow progress of recruiting for the regular service would allow, add-

In organizing the army of the Potomac, and preparing it for the field, the first step taken was to organize the infantry into brigades of four regiments each; retaining the newly arrived regiments on the Maryland side until their armament and equipment were issued and they had obtained some little elementary instruction, before assigning them permanently to brigades. When the organization of the brigades was well established,

ed to the small battalion with McDowell's army, which I found at Washington on my arrival, amounted, on the thirtieth of August, to one thousand and forty men; on the twenty-eighth of February, 1862, to two thousand six hundred and eighty-two, and on the thirtieth of April to four thousand six hundred and three. On the seventeenth of May, 1862, they were assigned to General Porter's corps for organization as a division, with the fifth regiment New-York volunteers, which joined May fourth, and the tenth New-York volunteers, which joined subsequently. They remained from the commencement under the command of Brigadier-General George Sykes, Major Third Infantry United States army.

ARTILLERY.

The creation of an adequate artillery establishment for an army of so large proportions was a formidable undertaking; and had it not been that the country possessed in the regular service a body of accomplished and energetic artillery officers, the task would have been almost hopeless.

The charge of organizing this most important arm was confided to Major (afterward Brigadier-General) William F. Barry, Chief of Artillery, whose industry and zeal achieved the best results. The report of General Barry is appended among the accompanying documents. By referring to it, it will be observed that the following principles were adopted as the basis of organization:

"1. That the proportion of artillery should be in the proportion of at least two and one half pieces to one thousand men, to be expanded, if possible, to three pieces to one thousand men.

"2. That the proportion of rifled guns should be restricted to the system of the United States ordnance department; and of Parrott and the 'smooth bores' (with the exception of a few howitzers for special service) to be exclusively the twelve-pounder gun, of the model of 1857, variously called the 'gun-howitzer,' the 'light twelve-pounder,' or the 'Napoleon.'

"3. That each field-battery should, if practicable, be composed of six guns, and none to be less than four guns, and in all cases the guns of each battery should be of uniform calibre.

"4. That the field-batteries were to be assigned to divisions, and not to brigades, and in the proportion of four to each division, of which one was to be a battery of regulars, the remainder of volunteers, the captain of the regular battery to be the commandant of artillery of the division. In the event of several divisions constituting an army corps, at least one half of the divisional artillery was to constitute the reserve artillery of the corps.

"5. That the artillery reserve of the whole army should consist of one hundred guns, and should comprise, besides a sufficient number of light 'mounted batteries,' all the guns of position, and until the cavalry were massed, all the horse artillery.

"6. That the amount of ammunition to ac-

company field-batteries was not to be less than four hundred rounds per gun.

"7. A siege train of fifty pieces. This was subsequently expanded, for special service at the siege of Yorktown, to very nearly one hundred pieces, and comprised the unusual calibres and enormously heavy weight of metal of two two hundred pounders, five one hundred pounders, and ten thirteen-inch sea-coast mortars."

As has been before stated, the Chief of Artillery reports the whole of the field artillery of the army of the Potomac, July twenty-eighth, 1861, was comprised of nine imperfectly equipped batteries, of thirty guns, six hundred and fifty men, and four hundred horses. In March, 1862, when the whole army took the field, it consisted of ninety-two batteries, of five hundred and twenty guns, twelve thousand five hundred men, and eleven thousand horses, fully equipped and in readiness for active field service; of the whole force thirty batteries were regulars, and sixty-two batteries volunteers. During the short period of seven months, all of this immense amount of material was issued by the ordnance department and placed in the hands of the artillery troops after their arrival in Washington. About one fourth of all the volunteer batteries brought with them from their respective States a few guns and carriages, but they were nearly all of such peculiar calibre as to lack uniformity with the more modern and more serviceable ordnance with which the other batteries were armed, and they, therefore, had to be withdrawn and replaced by more suitable material. While about one sixth came supplied with horses and harness, less than one tenth were apparently fully equipped for service when they reported; and every one of these required the supply of many deficiencies of material, and very extensive instruction in the theory and practice of their special arm.

The operations on the Peninsula by the army of the Potomac commenced with a full field-artillery force of fifty-two batteries of two hundred and ninety-nine guns. To this must be added the field-artillery of Franklin's division of McDowell's corps, which joined a few days before the capture of Yorktown, but was not disembarked from its transports for service until after the battle of Williamsburgh, and the field-artillery of McColl's division of McDowell's corps, (four batteries, twenty-two guns,) which joined in June, a few days before the battle of Mechanicsville, (June twenty-sixth, 1862,) making a grand total of field-artillery, at any time with the army of the Peninsula, of sixty batteries of three hundred and forty-three guns. With this large force, saving in six corps d'armée of eleven divisions, and the artillery reserve, the only general and field-officers were one brigadier-general, four colonels, three lieutenant-colonels, and three majors, a number obviously insufficient, and which impaired to a great degree, in consequence of the want of rank and official influence of the commanders of corps and division artillery, the efficiency of the arm. As this faulty organization can be suitably cor-

rected only by legislative action, it is earnestly hoped that the attention of the proper authorities may be at an early day invited to it.

When there were so many newly organized volunteer field-batteries, many of whom received their first and only instruction in the intrenched camps covering Washington during the three or four inclement months of the winter of 1861-'62, there was, of course, much to be improved. Many of the volunteer batteries, however, evinced such zeal and intelligence, and availed themselves so industriously of the instructions of the regular officers, their commanders, and the example of the regular batteries, their associates, that they made rapid progress, and attained a degree of proficiency highly creditable.

The designations of the different batteries of artillery, both regular and volunteer, follow within a few pages.

The following distribution of regiments and batteries was made, as a preliminary organization of the forces at hand, shortly after my arrival in Washington. The infantry, artillery, and cavalry, as fast as collected and brought into primary organization, were assigned to brigades and divisions, as indicated in the subjoined statements.

Organization of the Division of the Potomac, August 4, 1861.

Brigadier-General Hunter's brigade.—Twenty-third, Twenty-fifth, Thirty-fifth, and Thirty-seventh regiments New-York volunteers.

Brigadier-General Heintzelman's brigade.—Fifth regiment Maine volunteers, Sixteenth, Twenty-sixth, and Twenty-seventh regiments New-York volunteers, and Tidball's battery, (A,) Second United States artillery.

Brigadier-General W. T. Sherman's brigade.—Ninth and Fourteenth regiments Massachusetts volunteers, De Kalb regiment New-York volunteers, Fourth regiment Michigan volunteers, Hamilton's battery, (E,) Third United States artillery, and company I, Second United States cavalry.

Brigadier-General Kearny's brigade.—First, Second, and Third regiments New-Jersey volunteers, Green's battery, (G,) Second United States artillery, and company G, Second United States cavalry.

Brigadier-General Hooker's brigade.—First and Eleventh regiments Massachusetts volunteers, Second regiment New-Hampshire volunteers, and Twenty-sixth regiment Pennsylvania volunteers.

Colonel Keyes's brigade.—Twenty-second, Twenty-fourth, and Thirtieth regiments New-York volunteers, and Fourteenth regiment New-York State militia.

Brigadier-General Franklin's brigade.—Fifteenth, Eighteenth, Thirty-first, and Thirty-second regiments New-York volunteers, Platt's battery, (M,) Second United States artillery, and company C, New-York (Lincoln) cavalry.

Colonel Blenker's brigade.—Eighth and Twenty-seventh regiments New-York volunteers, Twenty-seventh regiment Pennsylvania volunteers, and Garibaldi Guard, New-York volunteers.

Colonel Richardson's brigade.—Twelfth regi-

ment New-York volunteers, and Second and Third regiments Michigan volunteers.

Brigadier-General Stone's brigade.—Thirty-fourth and Tammany regiments New-York volunteers, First regiment Minnesota volunteers, and Second regiment New-York State militia.

Colonel William F. Smith's brigade.—Second and Third regiments Vermont volunteers, Sixth regiment Maine volunteers, Thirty-third regiment New-York volunteers, company H, Second United States cavalry, and Captain Mott's New-York battery.

Colonel Couch's brigade.—Second regiment Rhode Island volunteers, Seventh and Tenth regiments Massachusetts volunteers, and Thirty-sixth regiment New-York volunteers.

The Second regiment Maine, the Second regiment Wisconsin, and the Thirteenth regiment New-York volunteers, stationed at Fort Corcoran.

The Twenty-first regiment New-York volunteers, stationed at Fort Runyon.

The Seventeenth regiment New-York volunteers, stationed at Fort Ellsworth.

By October the new levies had arrived in sufficient numbers, and the process of organization so far carried on that the construction of divisions had been effected.

The following statement exhibits the composition of the army, October fifteenth, 1861.

Organization of the Army of the Potomac, October 15, 1861.

1. *Brigadier-General George Stoneman's cavalry command.*—Fifth United States cavalry, Fourth Pennsylvania cavalry, Oneida cavalry, (one company,) Eleventh Pennsylvania cavalry, (Harlan's,) and Barker's Illinois cavalry, (one company.)

2. *Colonel H. J. Hunt's artillery reserve.*—Batteries L, A, and B, Second United States artillery, batteries K and F, Third United States artillery, battery K, Fourth United States artillery, battery H, First United States artillery, and battery A, Fifth United States artillery.

3. CITY GUARD, BRIGADIER-GENERAL ANDREW PORTER.

Cavalry.—Companies A and E, Fourth United States cavalry.

Artillery.—Battery K, Fifth United States artillery.

Infantry.—Second and Third battalions United States infantry, Eighth and First companies United States infantry, and Sturgis's Rifles, (Illinois volunteers.)

4. BANKS'S DIVISION.

Cavalry.—Four companies Third regiment New-York cavalry, (Van Allen's.)

Artillery.—Best's battery E, Fourth United States artillery, detachment Ninth New-York artillery, Matthews's battery E, First Pennsylvania artillery, Tompkins's battery A, First Rhode Island artillery.

Infantry.—Abercrombie's brigade: Twelfth Massachusetts, Twelfth and Sixteenth Indiana, Thirtieth Pennsylvania volunteers. Stiles's brigade: Third Wisconsin, Twenty-ninth Pennsyl-

vania, and Thirteenth Massachusetts volunteers, and Ninth New-York State militia. Gordon's brigade: Second Massachusetts, Twenty-eighth and Nineteenth New-York, Fifth Connecticut, Forty-sixth and Twenty-eighth Pennsylvania, and First Maryland volunteers.

MCDOWELL'S DIVISION.

Cavalry.—Second New-York cavalry, (Harris's Light,) Colonel Davis.

Artillery.—Battery M, Second, and battery G, First United States artillery.

Infantry.—Keyes's brigade: Fourteenth New-York State militia, and Twenty-second, Twenty-fourth, and Thirtieth New-York volunteers. Wadsworth's brigade: Twelfth, Twenty-first, Twenty-third, and Thirty-fifth New-York volunteers. King's brigade: Second, Sixth, and Seventh Wisconsin, and Nineteenth Indiana volunteers.

HEINTZELMAN'S DIVISION.

Cavalry.—First New-Jersey cavalry, Colonel Halsted.

Artillery.—Thompson's battery, C, United States artillery.

Infantry.—Richardson's brigade: Second, Third, and Fifth Michigan, and Thirty-seventh New-York volunteers. Sedgwick's brigade: Third and Fourth Maine, and Thirty-eighth and Fortieth New-York volunteers. Jameson's brigade: Thirty-second, Sixty-third, Sixty-first, and Forty-fifth Pennsylvania volunteers, and Wild Cat reserves, (Pennsylvania volunteers.)

F. J. PORTER'S DIVISION.

Cavalry.—Third Pennsylvania cavalry, Colonel Averill, and Eighth Pennsylvania cavalry, Colonel Gregg.

Artillery.—Battery E, Second, and battery *E, Third United States artillery.

Infantry.—Morell's brigade: Thirty-third Pennsylvania, Fourth Michigan, Ninth Massachusetts, and Fourth New-York volunteers. Martindale's brigade: Thirteenth New-York, Second Maine, and Eighteenth Massachusetts volunteers, and De Kalb regiment New-York volunteers. Butterfield's brigade: Fiftieth New-York, Eighty-third Pennsylvania, (Colonel McLean,) Seventeenth and Twenty-fifth New-York volunteers, and Stockton's independent Michigan regiment.

FRANKLIN'S DIVISION.

Cavalry.—First New-York cavalry, Colonel McReynolds.

Artillery.—Batteries D and G, Second United States artillery, and Hexamer's battery, (New-Jersey volunteers.)

Infantry.—Kearny's brigade: First, Second, Third, and Fourth New-Jersey volunteers. Slocum's brigade: Sixteenth, Twenty-sixth, and Twenty-seventh New-York, and Sixth Maine volunteers. Newton's brigade: Fifteenth, Eighteenth, Thirty-first, and Thirty-second New-York volunteers.

* This battery was transferred to Sherman's expedition.

STONE'S DIVISION.

Cavalry.—Six companies Third New-York (Van Allen) cavalry.

Artillery.—Kirby's battery I, First United States, Vaughn's battery B, First Rhode Island artillery, and Bunting's Sixth New-York independent battery.

Infantry.—Gorman's brigade: Second New-York State militia, First Minnesota, Fifteenth Massachusetts, and Thirty-fourth New-York volunteers, and Tammany regiment, (New-York volunteers.) Lander's brigade: Nineteenth and Twentieth Massachusetts, and Seventh Michigan volunteers, and a company of Massachusetts sharpshooters. Baker's brigade: Pennsylvania volunteers, (First, Second, and Third California.)

BUELL'S DIVISION.

Artillery.—Batteries D and H, First Pennsylvania artillery.

Infantry.—Couch's brigade: Second Rhode Island, Seventh and Tenth Massachusetts, and Thirty-sixth New-York volunteers. Graham's brigade: Twenty-third and Thirty-first Pennsylvania, and Sixty-seventh (First Long Island) and Sixty-fifth (First United States Chasseurs) New-York volunteers. Peck's brigade: Thirtieth and Twenty-first Pennsylvania, and Sixty-second (Anderson Zouaves) and Fifty-fifth New-York volunteers.

MCCALL'S DIVISION.

Cavalry.—First Pennsylvania reserve cavalry, Colonel Bayard.

Artillery.—Easton's battery A, Cooper's battery B, and Keim's battery G, First Pennsylvania artillery.

Infantry.—Meade's brigade: First rifles Pennsylvania reserves, Fourth, Third, Seventh, Eleventh, and Second Pennsylvania reserve infantry. — brigade: Fifth, First, and Eighth Pennsylvania reserve infantry. — brigade: Tenth, Sixth, Ninth, and Twelfth Pennsylvania reserve infantry.

HOOKE'S DIVISION.

Cavalry.—Eight companies Third Indiana cavalry, Lieutenant-Colonel Carter.

Artillery.—Elder's battery E, First United States artillery.

Infantry.— brigade: First and Eleventh Massachusetts, Second New-Hampshire, Twenty-sixth Pennsylvania, and First Michigan volunteers. Sickles's brigade: First, Second, Third, Fourth, and Fifth regiments Excelsior brigade, New-York volunteers.

BLENKER'S BRIGADE.

Cavalry.—Fourth New-York cavalry, (mounted rifles,) Colonel Dickel.

Artillery.—One battery.

Infantry.—Eighth and Twenty-ninth New-York, Twenty-seventh and Thirty-fifth Pennsylvania volunteers, Garibaldi Guard, and Cameron Rifles, (New-York volunteers.)

SMITH'S DIVISION.

Cavalry.—Fifth Pennsylvania cavalry, (Cameron dragoons,) Colonel Friedman.

Artillery.—Ayres's battery F, Fifth United States artillery, Mott's Second New-York independent battery, and Barr's battery E, First Pennsylvania artillery.

Infantry.—brigade: Second, Third, Fourth, and Fifth Vermont volunteers. Stevens's brigade: Thirty-fifth and Forty-ninth New-York, and Sixth Maine volunteers, and *Seventy-ninth New-York State militia. Hancock's brigade: *Forty-seventh and Forty-ninth Pennsylvania, Forty-third New-York, and Fifth Wisconsin volunteers. Companies B and E, Berdan's sharpshooters.

Casey's provisional brigades.—Fifth, Sixth, and Seventh New-Jersey volunteers, *Round-Head regiment, (Pennsylvania volunteers,) battalion District of Columbia volunteers, Fortieth Pennsylvania, Eighth New-Jersey, and Fourth New-Hampshire volunteers.

5. Garrison of Alexandria.—Brigadier-General Montgomery, Military Governor. Cameron Guard, (Pennsylvania volunteers.)

Garrison of Fort Albany.—Fourteenth Massachusetts volunteers.

Garrison of Fort Richardson.—Fourth Connecticut volunteers.

Garrison of Fort Washington.—Company D, First United States artillery, companies H and I, Thirty-seventh New-York volunteers and United States recruits unassigned.

6. DIX'S DIVISION, BALTIMORE.

Cavalry.—Company of Pennsylvania cavalry.

Artillery.—Battery I, Second United States artillery, Second Massachusetts light battery, and a battery of New-York artillery.

Infantry.—Third, Fourth, and Fifth New-York, Seventeenth and Twenty-fifth Massachusetts, Twenty-first Indiana, Sixth Michigan, Fourth Wisconsin, Seventh Maine, Second Maryland battalion, and Reading City Guard, volunteers.

On the eighth of March, 1862, the President directed, by the following order, the organization of the active portion of the army of the Potomac into four army corps, and the formation of a fifth corps from the division of Banks and Shields.

The following is the text of the President's order:

[President's General War Order No. 2.]

EXECUTIVE MANSION,
WASHINGTON, March 8, 1862. }

Ordered, 1st. That the Major-General commanding the army of the Potomac proceed forthwith to organize that part of the said army destined to enter upon active operations, (including the reserve, but excluding the troops to be left in the fortifications about Washington,) into four army corps, to be commanded according to seniority of rank, as follows:

First corps to consist of four divisions, and to be commanded by Major-General I. McDowell. Second corps to consist of three divisions, and to

* The Seventy-ninth New-York State militia, the Forty-seventh Pennsylvania volunteers, and the Round-Head regiment, were transferred to General Sherman's expedition.

be commanded by Brigadier-General E. V. Sumner. Third corps to consist of three divisions, and to be commanded by Brigadier-General S. P. Heintzelman. Fourth corps to consist of three divisions, and to be commanded by Brigadier-General E. D. Keyes.

2. That the divisions now commanded by the officers above assigned to the commands of army corps shall be embraced in and form part of their respective corps.

3. The forces left for the defence of Washington will be placed in command of Brigadier-General James Wadsworth, who shall also be Military Governor of the District of Columbia.

4. That this order be executed with such promptness and despatch as not to delay the commencement of the operations already directed to be undertaken by the army of the Potomac.

5. A fifth army corps, to be commanded by Major-General N. P. Banks, will be formed from his own and General Shields's (late General Lander's) division. ABRAHAM LINCOLN.

The following order, which was made as soon as circumstances permitted, exhibits the steps taken to carry out the requirements of the President's war order No. 2:

ARMY CORPS.

HEADQUARTERS ARMY OF THE POTOMAC,
FAIRFAX COURT-HOUSE, VA., March 18, 1862. }

GENERAL ORDERS No. 151.

In compliance with the President's war order No. 2, of March eighth, 1862, the active portion of the army of the Potomac is formed into army corps, as follows:

First corps, Major-General Irwin McDowell, to consist for the present of the divisions of Franklin, McCall, and King. Second corps, Brigadier-General E. V. Sumner; divisions, Richardson, Blenker, and Sedgwick. Third corps, Brigadier-General S. P. Heintzelman; divisions, F. J. Porter, Hooker, and Hamilton. Fourth corps, Brigadier-General E. D. Keyes; divisions, Couch, Smith, and Casey. Fifth Corps, Major-General N. P. Banks; divisions, Williams and Shields.

The cavalry regiments attached to divisions will, for the present, remain so. Subsequent orders will provide for these regiments, as well as for the reserve artillery. Regular infantry and regular cavalry arrangements will be made to unite the divisions of each army corps as promptly as possible.

The commanders of divisions will at once report in person, or where that is impossible, by letter, to the commander of their army corps.

By command of Major-General McCLELLAN.

A. V. COLBURN,
Assistant Adjutant-General.

I add a statement of the organization and composition of the troops on April first, commencing with the portion of the army of the Potomac which went to the Peninsula, giving afterward the regiments and batteries left on the Potomac, and in Maryland and Virginia after April first, 1862.

Troops of the army of the Potomac sent to the Peninsula in March and early in April, 1862.

1st. Cavalry reserve, Brigadier-General P. St. G. Cooke.—Emory's brigade: Fifth United States cavalry, Sixth United States cavalry, Sixth Pennsylvania cavalry. Blake's brigade: First United States cavalry, Eighth Pennsylvania cavalry, Barker's squadron of Illinois cavalry.

2d. Artillery reserve, Colonel Henry J. Hunt: Graham's battery K and G, First United States, six Napoleon guns; Randall's battery E, First United States, six Napoleon guns; Carlisle's battery E, Second United States, six twenty-pounder Parrott guns; Robertson's battery, Second United States, six three-inch ordnance guns; Benson's battery M, Second United States, six three-inch ordnance guns; Tidball's battery A, Second United States, six three-inch ordnance guns; Edwards's battery L and M, Third United States, six ten-pounder Parrott guns; Gibson's battery C and G, Third United States, six three-inch ordnance guns; Livingston's battery F and K, Third United States, four ten-pounder Parrott guns; Howe's battery G, Fourth United States, six Napoleon guns; De Russy's battery K, Fourth United States, six Napoleon guns; Weed's battery I, Fifth United States, six three-inch ordnance guns; Smead's battery K, Fifth United States, four Napoleon guns; Ames's battery A, Fifth United States, six—four ten-pounder Parrott and two Napoleon—guns; Diedrick's battery A, New-York artillery and battalion, six twenty-pounder Parrott guns; Vogelie's battery B, New-York artillery and battalion, four twenty-pounder Parrott guns; Knierim's battery C, New-York artillery and battalion, four twenty-pounder Parrott guns; Grimm's battery D, New-York artillery and battalion, six thirty-two-pounder howitzer guns. Total, one hundred guns.

3d. Volunteer engineer troops, General Woodbury: Fifteenth New-York volunteers; Fiftieth New-York volunteers.

Regular engineer troops, Captain Duane: Companies A, B, and C, United States engineers.

Artillery troops, with siege trains: First Connecticut heavy artillery, Colonel Tyler.

4th. Infantry reserve, (regular brigade,) General Sykes: nine companies Second United States infantry, seven companies Third United States infantry, ten companies Fourth United States infantry, ten companies sixth United States infantry, eight companies Tenth and Seventeenth United States infantry, six companies Eleventh United States infantry, eight companies Twelfth United States infantry, nine companies Fourteenth United States infantry, and Fifth New-York volunteers, Colonel Warren.

SECOND CORPS, GENERAL SUMNER.

Cavalry.—Eighth Illinois cavalry, Col. Farnsworth, and one squadron Sixth New-York cavalry.

RICHARDSON'S DIVISION.

Artillery.—Clark's battery A and G, Fourth United States, six Napoleon guns; Frank's bat-

tery G, First New-York, six ten-pounder Parrott guns; Pettit's battery B, First New-York, six ten-pounder Parrott guns; Hogan's battery A, Second New-York, six ten-pounder Parrott guns.

Infantry.—Howard's brigade: Fifth New-Hampshire, Eighty-first Pennsylvania, and Sixty-first and Sixty-fourth New-York volunteers. Meagher's brigade: Sixty-ninth, Sixty-third, and Eighty-eighth New-York volunteers. French's brigade: Fifty-second, Fifty-seventh, and Sixty-sixth New-York, and Fifty-third Pennsylvania volunteers.

SEDGWICK'S DIVISION.

Artillery.—Kirby's battery I, First United States, six Napoleon guns; Tompkins's battery A, First Rhode Island, six—four ten-pounder Parrott and two twelve-pounder howitzer—guns; Bartlett's battery B, First Rhode Island, six—four ten-pounder Parrott and two twelve-pounder howitzer—guns; Owen's battery G, six three-inch ordnance guns.

Infantry.—Gorman's brigade: Second New-York State militia, and Fifteenth Massachusetts, Thirty-fourth New-York, and First Maine volunteers. Burns's brigade: Sixty-ninth, Seventy-first, Seventy-second, and One Hundred and sixth Pennsylvania volunteers. Dana's brigade: Nineteenth and Twentieth Massachusetts, Seventh Michigan, and Forty-second New-York volunteers.

NOTE.—Blenker's division detached and assigned to the mountain department.

THIRD CORPS, GENERAL HEINTZELMAN,

Cavalry.—Third Pennsylvania cavalry, Colonel Averill.

PORTER'S DIVISION.

Artillery.—Griffin's battery K, Fifth United States, six ten-pounder Parrott guns; Weeden's battery C, Rhode Island; Martin's battery C, Massachusetts, six Napoleon guns; Allen's battery E, Massachusetts, six three-inch ordnance guns.

Infantry.—Martindale's brigade: Second Maine, Eighteenth and Twenty-second Massachusetts, and Twenty-fifth and Thirtieth New-York volunteers. Morell's brigade: Fourteenth New-York, Fourth Michigan, Ninth Massachusetts, and Sixty-second Pennsylvania volunteers. Butterfield's brigade: Seventeenth, Forty-fourth, and Twelfth New-York, Eighty-third Pennsylvania, and Stockton's Michigan volunteers.

First Berdan sharp-shooters.

HOOKE'S DIVISION.

Artillery.—Hall's battery H, First United States, six—four ten-pounder Parrott and two twelve-pounder howitzer—guns; Smith's battery, Fourth New-York, six ten-pounder Parrott guns; Bramhall's battery, Sixth New-York, six three-inch ordnance guns; Osborn's battery D, First New-York artillery, four three-inch ordnance guns.

Infantry.—Sickles's brigade: First, Second, Third, Fourth, and Fifth Excelsior, New-York.

Naglee's brigade: First and Eleventh Massachusetts, Twenty-sixth Pennsylvania, and Second New-Hampshire volunteers. Colonel Starr's brigade: Fifth, Sixth, Seventh, and Eighth New-Jersey volunteers.

HAMILTON'S DIVISION.

Artillery.—Thompson's battery G, Second United States, six Napoleon guns; Beam's battery B, New-Jersey, six—four ten-pounder Parrott and two Napoleon—guns; Randolph's battery E, Rhode Island, six—four ten-pounder Parrott and two Napoleon—guns.

Infantry.—Jameson's brigade: One Hundred and Fifth, Sixty-third, and Fifty-seventh Pennsylvania, and Eighty-seventh New-York volunteers. Birney's brigade: Thirty-eighth and Fortieth New-York, and Third and Fourth Maine volunteers. — brigade: Second, Third, and Fifth Michigan, and Thirty-seventh New-York volunteers.

FOURTH CORPS, GENERAL KEYES.

COUCH'S DIVISION.

Artillery.—McCarthy's battery C, First Pennsylvania, four ten-pounder Parrott guns; Flood's battery D, First Pennsylvania, four ten-pounder Parrott guns; Miller's battery E, First Pennsylvania, four Napoleon guns; Brady's battery F, First Pennsylvania, four ten-pounder Parrott guns.

Infantry.—Graham's brigade: Sixty-seventh, (First Long Island) and Sixty-fifth (First United States Chasseurs) New-York, Twenty-third, Thirty-first, and Sixty-first Pennsylvania volunteers. Peck's brigade: Ninety-eighth, One Hundred and Second, and Ninety-third Pennsylvania, and Sixty-second and Fifty-fifth New-York volunteers. — brigade: Second Rhode Island, Seventh and Tenth Massachusetts, and Thirty-sixth New-York volunteers.

SMITH'S DIVISION.

Artillery.—Ayres's battery F, Fifth United States, six—four ten-pounder Parrott and two Napoleon—guns; Mott's battery, Third New-York, six—four ten-pounder Parrott and two Napoleon—guns; Wheeler's battery E, First New-York, four three-inch ordnance guns; Kennedy's battery, First New-York, six three-inch ordnance guns.

Infantry.—Hancock's brigade: Fourth Wisconsin, Forty-ninth Pennsylvania, Forty-third New-York, and Sixth Maine volunteers. Brooks's brigade: Second, Third, Fourth, Fifth, and Sixth Vermont volunteers. Davidson's brigade: Thirty-third, Seventy-seventh, and Forty-ninth New-York, and Seventh Maine volunteers.

CASEY'S DIVISION.

Artillery.—Regan's battery, Seventh New-York, six three-inch ordnance guns; Fitch's Eighth New-York, six three-inch ordnance guns; Bates's battery A, First New-York, six Napoleon guns; Spratt's battery H, First New-York, four three-inch ordnance guns.

Infantry.—Keim's brigade: Eighty-fifth, One Hundred and First, and One Hundred and Third Pennsylvania, and Ninety-sixth New-York volunteers. Palmer's brigade: Eighty-fifth, Ninety-eighth, Ninety-second, Eighty-first, and Ninety-third New-York volunteers. — brigade: One Hundred and Fourth and Fifty-second Pennsylvania, Fifty-sixth and One Hundredth New-York, and Eleventh Maine volunteers.

5. Provost-guard: Second United States cavalry; battalions Eighth and Seventeenth United States infantry.

At general headquarters: Two companies Fourth United States cavalry; one company Oneida cavalry, (New-York volunteers;) and one company Sturgis's Rifles, (Illinois volunteers.)

The following troops of the army of the Potomac were left behind, or detached on and in front of the Potomac for the defence of that line, April first, 1862. Franklin's and McCall's divisions, at subsequent and different dates, joined the active portion of the army on the Peninsula. Two brigades of Shields's division joined at Harrison's Landing:

* FIRST CORPS, GENERAL McDOWELL.

Cavalry.—First, Second, and Fourth New-York, and First Pennsylvania.

Sharp-shooters.—Second regiment Borden's sharp-shooters.

FRANKLIN'S DIVISION.

Artillery.—Platt's battery D, Second United States, six Napoleon guns; Porter's battery A, Massachusetts, six—four ten-pounder Parrott and two twelve-pounder howitzer—guns; Hexamer's battery A, New-Jersey, six—four ten pounder Parrott, and two twelve-pounder howitzer—guns; Wilson's battery F, First New-York artillery, four three-inch ordnance guns.

Infantry.—Kearny's brigade: First, Second, Third, and Fourth New-Jersey volunteers. Slocum's brigade: Sixteenth and Twenty-seventh New-York, Fifth Maine, and Ninety-sixth Pennsylvania volunteers. Newton's brigade: Eighteenth, Thirty-first, and Thirty-second New-York, and Ninety-fifth Pennsylvania volunteers.

MCCALL'S DIVISION.

Artillery.—Seymour's battery C, Fifth United States, six Napoleon guns; Easton's battery A, First Pennsylvania, four Napoleon guns; Cooper's battery B, First Pennsylvania, six ten-pounder Parrott guns; Keim's battery C, First Pennsylvania, six—two ten-pounder and four twelve-pounder Parrott—guns.

Infantry.—Reynolds's brigade: First, Second, Fifth and Eighth Pennsylvania reserve regiments. Meade's brigade: Third, Fourth, Seventh and Eleventh Pennsylvania reserve regiments. Ord's brigade: Sixth, Ninth, Tenth, and Twelfth Pennsylvania reserve regiments.

First Pennsylvania reserve rifles.

KING'S DIVISION.

Artillery.—Gibbon's battery B, Fourth United States, six Napoleon guns; Monroe's battery D,

First Rhode Island, six ten-pounder Parrott guns; Gerrish's battery A, New-Hampshire, six Napoleon guns; Durrell's battery, Pennsylvania, six ten-pounder Parrott guns.

Infantry. — — — brigade: Second, Sixth, and Seventh Wisconsin, and Nineteenth Indiana volunteers. Patrick's brigade: Twentieth, Twenty-first, Twenty-third, and Twenty-fifth New-York State militia. Augur's brigade: Fourteenth New-York State militia, and Twenty-second, Twenty-Fourth, and Thirtieth New-York volunteers.

FIFTH CORPS, GENERAL BANKS.

Cavalry. — First Maine, First Vermont, First Michigan, First Rhode Island, Fifth and Eighth New-York, Keyes's battalion of Pennsylvania, eighteen companies of Maryland, one squadron of Virginia.

Unattached. — Twenty-eighth Pennsylvania volunteers, and Fourth regiment Potomac home brigade, (Maryland volunteers.)

WILLIAMS'S DIVISION.

Artillery. — Best's battery F, Fourth United States, six Napoleon guns; Hampton's battery, Maryland, four ten-pounder Parrott guns; Thompson's battery, Maryland, four ten-pounder Parrott guns; Mathews's battery F, Pennsylvania, six three-inch ordnance guns; — — — battery M, First New-York, six ten-pounder Parrott guns; Knapp's battery, Pennsylvania, six ten-pounder Parrott guns; McMahon's battery, New-York, six three-inch ordnance guns.

Infantry. — Abercrombie's brigade: Twelfth and Second Massachusetts, and Sixteenth Indiana, First Potomac home brigade, (Maryland,) First company Zouaves d'Afrique, (Pennsylvania) volunteers. — — — brigade: Ninth New-York State militia, and Twenty-ninth Pennsylvania, Twenty-ninth Indiana, and Third Wisconsin volunteers. — — — brigade: Twenty-eighth New-York, Fifth Connecticut, Forty-sixth Pennsylvania, First Maryland, Twelfth Indiana, and Thirtieth Massachusetts volunteers.

SHIELDS'S DIVISION.

Artillery. — Clark's battery E, Fourth United States, six ten-pounder Parrott guns; Jenks's battery A, First Virginia, four ten-pounder Parrott and two six-pounder guns; Davy's battery B, First Virginia, two ten-pounder Parrott guns; Huntington's battery A, First Ohio, six thirteen-pounder James's guns; Robinson's battery L, First Ohio, two twelve-pounder howitzers and four six-pounder guns; and — — — battery, Fourth Ohio artillery.

Infantry. — — — brigade: Fourteenth Indiana, Fourth, Eighth, and Sixty-seventh Ohio, Seventh Virginia, and Eighty-fourth Pennsylvania volunteers. — — — brigade: Fifth, Sixty-second, and Sixty-sixth Ohio, Thirteenth Indiana, and Thirty-ninth Illinois volunteers. — — — brigade: Seventh and Twenty-ninth Ohio, Seventh Indiana, First Virginia, and Eleventh Pennsylvania volunteers. Andrew sharp-shooters.

GENERAL WADSWORTH'S COMMAND.

Cavalry. — First New-Jersey cavalry, at Alexandria, and Fourth Pennsylvania cavalry, east of the Capitol.

Artillery and Infantry. — Tenth New-Jersey volunteers, Bladensburg road; One Hundred and Fourth New-York volunteers, Kalorama Heights; First Wisconsin heavy artillery, Fort Cass, Virginia; three batteries of New-York artillery, Forts Ethan Allen and Marcy; depot of New-York light artillery, Camp Barry; Second District of Columbia volunteers, Washington City; Twenty-sixth Pennsylvania volunteers, G street wharf; Twenty-sixth New-York volunteers, Fort Lyon; Ninety-fifth New-York volunteers, Camp Thomas; Ninety-fourth New-York and detachment of Eighty-eighth Pennsylvania volunteers, Alexandria; Ninety-first Pennsylvania volunteers, Franklin Square barracks; Fourth New York artillery, Forts Carroll and Greble; One Hundred and Twelfth Pennsylvania volunteers, Fort Saratoga; Seventy-sixth New-York volunteers, Fort Massachusetts; Fifty-ninth New-York volunteers, Fort Pennsylvania; detachment of Eighty-eighth Pennsylvania volunteers, Fort Good Hope; Ninety-ninth Pennsylvania volunteers, Fort Mahon; Second New-York light artillery, Forts Ward, Worth, and Blenker; One Hundred and Seventh and Fifty-fourth Pennsylvania volunteers, Kendall Green; Dickerson's light artillery, Eighty-sixth New-York, and detachment of Eighty-eighth Pennsylvania volunteers, east of the Capitol; Fourteenth Massachusetts (volunteers) heavy artillery and Fifty-sixth Pennsylvania volunteers, Forts Albany, Tillinghast, Richardson, Runyon, Jackson, Barnard, Craig, and Scott; detachments of Fourth United States artillery and Thirty-seventh New-York volunteers, Fort Washington; Ninety-seventh, One Hundred and First, and Ninety-first New-York, and Twelfth Virginia volunteers, Fort Corcoran.

In camp near Washington. — Sixth and Tenth New-York, Swain's New-York, and Second Pennsylvania cavalry, all dismounted.

These troops (three thousand three hundred and fifty-nine men) were ordered to report to Colonel Miles, commanding railroad guard, to relieve three thousand three hundred and six older troops ordered to be sent to Manassas to report to General Abercrombie.

GENERAL DIX'S COMMAND, BALTIMORE.

Cavalry. — First Maryland cavalry and detachment of Purnell Legion cavalry.

Artillery. — Battery I, Second United States; battery —, Maryland; battery L, First New-York, and two independent batteries of Pennsylvania artillery.

Infantry. — Third and Fourth New-York, Eleventh, Eighty-seventh, and One Hundred and Eleventh Pennsylvania, detachment Twenty-first Massachusetts, Second Delaware, Second Maryland, First and Second Eastern Shore (Maryland) home guards, and Purnell Legion (two battalions) Maryland volunteers.

In a staff charged with labors so various and

important as that of the army of the Potomac, a chief was indispensable to supervise the various departments and to relieve the Commanding General of details. The office of chief of staff, well known in European armies, had not been considered necessary in our small peace establishment. The functions of the office were not defined, and, so far as exercised, had been included in the Adjutant-General's department. The small number of officers in this department, and the necessity for their employment in other duties, have obliged commanding generals, during this war, to resort to other branches of the service to furnish suitable chiefs of staff.

On the fourth of September, 1861, I appointed Colonel R. B. Marcy, of the Inspector-General's department, chief of staff, and he entered upon service immediately, discharging the various and important duties with great fidelity, industry, and ability, from this period until I was removed from command at Rectortown. Many improvements, have been made during the war in our system of staff administration, but much remains to be done.

Our own experience, and that of other armies, agree in determining the necessity for an efficient and able staff. To obtain this, our staff establishment should be based on correct principles, and extended to be adequate to the necessities of the service, and should include a system of staff and line education.

The affairs of the Adjutant-General's department, while I commanded the army of the Potomac, were conducted by Brigadier-General S. Williams, assisted by Lieutenant-Colonel James A. Hardie, aid-de-camp. Their management of the department during the organization of the army in the fall and winter of 1861, and during its subsequent operations in the field, was excellent.

They were, during the entire period, assisted by Captain Richard B. Irwin, aid-de-camp, and during the organization of the army by the following-named officers: Captains Joseph Kirkland, Arthur McClellan, M. T. McMahon, William P. Mason, and William F. Biddle, aids-de-camp.

My personal staff, when we embarked for the Peninsula, consisted of Colonel Thomas M. Key, additional aid-de-camp; Colonel E. H. Wright, additional aid-de-camp and major, Sixth United States cavalry; Colonel T. T. Gantt, additional aid-de-camp; Colonel J. J. Astor, Jr., volunteer aid-de-camp; Lieutenant-Colonel A. V. Colburn, additional aid-de-camp and captain, Adjutant-General's department; Lieutenant-Colonel N. B. Sweitzer, additional aid-de-camp and captain, First United States cavalry; Lieutenant-Colonel Edward McK. Hudson, additional aid-de-camp and captain, Fourteenth United States infantry; Lieutenant-Colonel Paul Von Radowitz, additional aid-de-camp; Major H. Von Hammerstein, additional aid-de-camp; Major W. W. Russell, United States marine corps; Major F. LeCompte, of the Swiss army, volunteer aid-de-camp; Captains Joseph Kirkland, Arthur McClellan, L. P. D'Orleans, R. D'Orleans, M. T. McMahon, William P.

Mason, Jr., William F. Biddle, and E. A. Raymond, additional aids-de-camp.

To this number I am tempted to add the Prince de Joinville, who constantly accompanied me through the trying campaign of the Peninsula, and frequently rendered important services. Of these officers Captain McMahon was assigned to the personal staff of Brigadier-General Franklin, and Captains Kirkland and Mason to that of Brigadier-General F. J. Porter during the siege of Yorktown. They remained subsequently with those general officers. Major LeCompte left the army during the siege of Yorktown; Colonels Gantt and Astor, Major Russell, Captains L. P. D'Orleans, R. D'Orleans, and Raymond at the close of the Peninsula campaign. Before its termination Captains W. S. Abert and Charles R. Lowell, of the Sixth United States cavalry, joined my staff as aids-de-camp, and remained with me until I was relieved from the command of the army of the Potomac. All of these officers served me with great gallantry and devotion; they were ever ready to execute any service, no matter how dangerous, difficult, or fatiguing.

ENGINEERS.

When I assumed command of the army of the Potomac I found Major J. G. Barnard, United States engineers, subsequently Brigadier-General of volunteers, occupying the position of chief engineer of that army. I continued him in the same office, and at once gave the necessary instructions for the completion of the defences of the capital, and for the entire reorganization of the department.

Under his direction the entire system of defences was carried into execution. This was completed before the army departed for Fort Monroe, and is a sufficient evidence of the skill of the engineers and the diligent labor of the troops.

For some months after the organization of the army of the Potomac was commenced there were no engineer troops with it. At length, however, three companies were assigned. Under the skilful management of Captain J. C. Duane, United States engineers, these new companies rapidly became efficient, and, as will be seen, rendered most valuable service during the ensuing campaigns.

The number of engineer troops being entirely inadequate to the necessities of the army, an effort was made to partially remedy this defect by detailing the Fifteenth and Fiftieth New-York volunteers, which contained many sailors and mechanics, as engineer troops. They were first placed under the immediate superintendence of Lieutenant-Colonel B. S. Alexander, United States engineers, by whom they were instructed in the duties of pontoniers, and became somewhat familiar with those of sappers and miners. Previous to the movement of the army for the Peninsula this brigade was placed under the command of Brigadier-General D. P. Woodbury, Major United States engineers.

The labor of preparing the engineer and bridge

trains devolved chiefly upon Captain Duane, who was instructed to procure the new model French bridge train, as I was satisfied that the India-rubber pontoon was entirely useless for the general purposes of a campaign.

The engineer department presented the following complete organization when the army moved for the Peninsula:

Brigadier-General J. G. Barnard, Chief Engineer; First Lieutenant H. C. Abbot, topographical engineers, aid-de-camp. Brigade volunteer engineers, Brigadier-General Woodbury commanding: Fifteenth New-York volunteers, Colonel McLeod Murphy; Fiftieth New-York volunteers, Colonel C. B. Stewart. Battalion, three companies United States engineers, Captain J. C. Duane commanding; companies respectively commanded by First Lieutenants C. B. Reese, C. E. Cross, and O. E. Babcock, United States engineers. The Chief Engineer was ably assisted in his duties by Lieutenant-Colonel B. S. Alexander, and First Lieutenants C. R. Comstock, M. D. McAlester, and Merrill, United States engineers. Captain C. S. Stuart and Second Lieutenant F. U. Farquhar, United States engineers, joined after the army arrived at Fort Monroe.

The necessary bridge equipage for the operations of a large army had been collected, consisting of batteaux with the anchors and flooring material, (French model,) trestles, and engineers' tools, with the necessary wagons for their transportation.

The small number of officers of this corps available rendered it impracticable to detail engineers permanently at the headquarters of corps and divisions. The companies of regular engineers never had their proper number of officers, and it was necessary, as a rule, to follow the principle of detailing engineer officers temporarily whenever their services were required.

TOPOGRAPHICAL ENGINEERS.

To the corps of topographical engineers was intrusted the collection of topographical information and the preparation of campaign maps. Until a short time previous to the departure of the army for Fort Monroe, Lieutenant-Colonel John W. Macomb was in charge of this department, and prepared a large amount of valuable material. He was succeeded by Brigadier-General A. A. Humphreys, who retained the position throughout the Peninsula campaign. These officers were assisted by Lieutenants H. L. Abbott, O. G. Wagner, N. Bowen, John M. Wilson, and James H. Wilson, topographical engineers. This number, being the greatest available, was so small that much of the duty of the department devolved upon parties furnished by Professor Bache, Superintendent of the Coast Survey, and other gentlemen from civil life.

Owing to the entire absence of reliable topographical maps, the labors of this corps were difficult and arduous in the extreme. Notwithstanding the energy and ability displayed by General Humphreys, Lieutenant-Colonel Macomb, and their subordinates, who frequently

obtained the necessary information under fire, the movements of the army were sometimes unavoidably delayed by the difficulty of obtaining knowledge of the country in advance. The result of their labors has been the preparation of an excellent series of maps, which will be invaluable to any army traversing the same ground.

During the campaign it was impossible to draw a distinct line of demarcation between the duties of the two corps of engineers so that the labors of reconnaissances of roads, of lines of intrenchments, of fields for battle, and of the position of the enemy, as well as the construction of siege and defensive works, were habitually performed by details from either corps, as the convenience of the service demanded.

I desire to express my high appreciation of the skill, gallantry, and devotion displayed by the officers of both corps of engineers, under the most trying circumstances.

During the Maryland campaign I united the two corps under Captain J. C. Duane, United States engineers, and found great advantages from the arrangement.

MEDICAL DEPARTMENT.

For the operations of the medical department I refer to the reports, transmitted herewith, of Surgeon Charles S. Tripler and Surgeon Jonathan Letterman, who, in turn, performed the duties of Medical Director of the army of the Potomac, the former from August twelfth, 1861, until July first, 1862, and the latter after that date. The difficulties to be overcome in organizing and making effective the medical department were very great, arising principally from the inexperience of the regimental medical officers, many of whom were physicians taken suddenly from civil life, who, according to Surgeon Tripler, "had to be instructed in their duties from the very alphabet," and from the ignorance of the line officers as to their relations with the medical officers, which gave rise to confusion and conflict of authority. Boards of examination were instituted, by which many ignorant officers were removed; and by the successive exertions of Surgeons Tripler and Letterman, the medical corps was brought to a very high degree of efficiency. With regard to the sanitary condition of the army while on the Potomac, Dr. Tripler says that the records show a constantly increasing immunity from disease. "In October and November, 1861, with an army averaging one hundred and thirty thousand men, we had seven thousand nine hundred and thirty-two cases of fever of all sorts; of these, about one thousand were reported as cases of typhoid fever. I know that errors of diagnosis were frequently committed, and therefore this must be considered as the limit of typhoid cases. If any army in the world can show such a record as this, I do not know when or where it was assembled." From September, 1861, to February, 1862, while the army was increasing, the number of sick decreased from 7 per cent to 6.18 per cent. Of these, the men sick in the regimental and general hospitals

were less than one half; the remainder were slight cases, under treatment in quarters. "During this time, so far as rumor was concerned, the army was being decimated by disease every month." Of the sanitary condition of the army during the Peninsula campaign, up to its arrival at Harrison's Landing, Dr. Tripler says: "During this campaign the army was favored with excellent health. No epidemic disease appeared. Those scourges of modern armies—dysentery, typhus, cholera—were almost unknown. We had some typhoid fever and more malarial fevers, but even these never prevailed to such an extent as to create any alarm. The sick reports were sometimes larger than we cared to have them; but the great majority of the cases reported were such as did not threaten life or permanent disability. I regret that I have not before me the retained copies of the monthly reports, so that I might give accurate statistics. I have endeavored to recover them, but have been unsuccessful. My recollection is, that the whole sick report never exceeded eight per cent of the force, and this including all sorts of cases, the trivial as well as the severe. The army of the Potomac must be conceded to have been the most healthy army in the service of the United States."

His remarks at the conclusion of his report upon our system of medical administration, and his suggestions for its improvement, are especially worthy of attention.

The service, labors, and privations of the troops during the seven days' battles had, of course, a great effect on the health of the army, after it reached Harrison's Landing, increasing the number of sick to about twenty per cent of the whole force.

The nature of the military operations had also unavoidably placed the medical department in a very unsatisfactory condition. Supplies had been almost entirely exhausted or necessarily abandoned; hospital tents abandoned or destroyed, and the medical officers deficient in numbers and broken down by fatigue.

All the remarkable energy and ability of Surgeon Letterman were required to restore the efficiency of his department; but before we left Harrison's Landing he had succeeded in fitting it out thoroughly with the supplies it required, and the health of the army was vastly improved by the sanitary measures which were enforced at his suggestion.

The great haste with which the army was removed from the Peninsula made it necessary to leave at Fort Monroe, to be forwarded afterward, nearly all the baggage and transportation, including medical stores and ambulances, all the vessels being required to transport the troops themselves and their ammunition; and when the army of the Potomac returned to Washington after General Pope's campaign, and the medical department came once more under Surgeon Letterman's control, he found it in a deplorable condition. The officers were worn out by the labors they had performed, and the few supplies that had been brought from the Peninsula had been

exhausted or abandoned, so that the work of reorganization and re-supplying had to be again performed, and this while the army was moving rapidly, and almost in the face of the enemy. That it was successfully accomplished is shown by the care and attention which the wounded received after the battles of South Mountain and Antietam.

Among the improvements introduced into his department by Surgeon Letterman, the principal are the organization of an ambulance corps, the system of field hospitals, and the method of supplying by brigades, all of which were instituted during the Maryland campaign, and have since proved very efficient.

QUARTERMASTER'S DEPARTMENT.

On assuming command of the troops in and around Washington, I appointed Captain S. Van Vliet, Assistant Quartermaster, (afterward Brigadier-General,) Chief Quartermaster to my command, and gave him the necessary instructions for organizing his department, and collecting the supplies requisite for the large army then called for.

The disaster at Manassas had but recently occurred, and the army was quite destitute of quartermaster's stores. General Van Vliet, with great energy and zeal, set himself about the task of furnishing the supplies immediately necessary, and preparing to obtain the still larger amounts which would be required by the new troops, which were moving in large numbers toward the capital. The principal depot for supplies in the city of Washington was under charge of Colonel D. H. Rucker, Assistant Quartermaster, who ably performed his duties. Lieutenant-Colonel R. Ingalls, Assistant Quartermaster, was placed in charge of the department on the south side of the Potomac. I directed a large depot for transportation to be established at Perryville, on the left bank of the Susquehanna, a point equally accessible by rail and water. Captain C. G. Sawtelle, Assistant Quartermaster, was detailed to organize the camp, and performed his duties to my entire satisfaction. Captain J. J. Dana, Assistant Quartermaster, had immediate charge of the transportation in and about Washington, as well as of the large number of horses purchased for the use of the artillery and cavalry. The principal difficulties which General Van Vliet had to encounter arose from the inexperience of the majority of the officers of his department in the new regiments and brigades.

The necessity of attending personally to minor details rendered his duties arduous and harassing in the extreme. All obstacles, however, were surmounted by the untiring industry of the Chief Quartermaster and his immediate subordinates, and when the army was prepared to move the organization of the department was found to be admirable.

When it was determined to move the army to the Peninsula, the duties of providing water transportation were devolved by the Secretary of War upon his assistant, the Honorable John

Tucker. The vessels were ordered to Alexandria, and Lieutenant-Colonel Ingalls was placed in immediate charge of the embarkation of the troops, transportation, and material of every description. Operations of this nature, on so extensive a scale, had no parallel in the history of our country.

The arrangements of Lieutenant-Colonel Ingalls were perfected with remarkable skill and energy, and the army and its material were embarked and transported to Fortress Monroe in a very short space of time, and entirely without loss.

During the operations on the Peninsula, until the arrival of troops at Harrison's Landing, General Van Vliet retained the position of Chief Quartermaster, and maintained the thorough organization and efficiency of his department. The principal depot of supplies were under the immediate charge of Lieutenant-Colonels Ingalls and Sawtelle.

On the tenth of July, 1862, General Van Vliet having requested to be relieved from duty with the army of the Potomac, I appointed Lieutenant-Colonel Ingalls Chief Quartermaster, and he continued to discharge the duties of that office during the remainder of the Peninsula and the Maryland campaigns in a manner which fully sustained the high reputation he had previously acquired.

The immediate amount of labor accomplished, often under the most difficult circumstances, the admirable system under which the duties of the department were performed, and the entire success which attended the efforts to supply so large an army, reflect the highest credit upon the officers upon whom these onerous duties devolved. The reports of General Van Vliet and Lieutenant-Colonel Ingalls, with the accompanying documents, give in detail the history of the department from its organization until I was relieved from the command of the army of the Potomac.

SUBSISTENCE DEPARTMENT.

On the first of August, 1861, Colonel H. F. Clark, Commissary of Subsistence, joined my staff, and at once entered upon his duties as Chief Commissary of the army of the Potomac. In order to realize the responsibilities pertaining to this office, as well as to form a proper estimate of the vast amount of labor which must necessarily devolve upon its occupant, it is only necessary to consider the unprepared state of the country to engage in a war of such magnitude as the present, and the lack of practical knowledge, on the part of the officers, with reference to supplying and subsisting a large, and at that time, unorganized army. Yet, notwithstanding the existence of these great obstacles, the manner in which the duties of the commissary department were discharged was such as to merit and call forth the commendation of the entire army.

During the stay of the army of the Potomac in the vicinity of Washington, prior to the Peninsula campaign, its subsistence was drawn chiefly from the dépôts which had been estab-

lished by the commissary department at Washington, Alexandria, Forts Corcoran and Runyon. In the important task of designating and establishing dépôts of supplies, Colonel Clarke was ably seconded by his assistants, Colonel Amos Beckwith, Commissary of Subsistence, U. S. A.; Lieutenant-Colonel George Bell, Commissary of Subsistence, U. S. A.; Lieutenant-Colonel A. P. Porter, Commissary of Subsistence, U. S. A.; Captain Thomas Wilson, Commissary of Subsistence, U. S. A.; Captain Brownell Granger, Commissary of Subsistence, U. S. volunteers; Captain W. H. Bell, Commissary of Subsistence, U. S. A.; Captain J. H. Woodward, Commissary of Subsistence, U. S. volunteers; and Captain W. R. Murphy, Commissary of Subsistence, U. S. volunteers.

For a full knowledge of the highly creditable manner in which each and all of the above-mentioned officers discharged their duties, I invite attention to the detailed report of Colonel Clarke. The remarks and suggestions contained in his report are worthy of attention, as affording valuable rules for the future guidance of the subsistence department in supplying armies in the field. The success of the subsistence department of the army of the Potomac was in a great measure attributable to the fact that the subsistence department at Washington made ample provision for sending supplies to the Peninsula, and that it always exercised the most intelligent foresight. It moreover gave its advice and countenance to the officers charged with its duties and reputation in the field, and those officers, I am happy to say, worked with it, and together, in perfect harmony for the public good. During the entire period that I was in command of the army of the Potomac there was no instance within my knowledge where the troops were without their rations from any fault of the officers of this department.

ORDNANCE DEPARTMENT.

This very important branch of the service was placed under the charge of Captain C. P. Kingsbury, Ordnance corps, Colonel and Aid-de-Camp. Great difficulty existed in the proper organization of the department for the want of a sufficient number of suitable officers to perform the duties at the various headquarters and dépôts of supply. But far greater obstacles had to be surmounted, from the fact that the supply of small arms was totally inadequate to the demands of a large army, and a vast proportion of those furnished were of such inferior quality as to be unsatisfactory to the troops, and condemned by their officers. The supply of artillery was more abundant, but of great variety. Rifled ordnance was just coming into use, for the first time in this country, and the description of gun and kind of projectile which would prove most effective, and should, therefore, be adopted, was a mere matter of theory. To obviate these difficulties, large quantities of small arms of foreign manufacture were contracted for; private enterprise in the construction of arms and ammunition was

encouraged; and by the time the army was ordered to move to the Peninsula the amount of ordnance and ordnance stores was ample. Much also had been done to bring the quality, both of arms and ammunition, up to the proper standard. Boards of officers were in session continually during the autumn and winter of 1861, to test the relative merits of new arms and projectiles.

The reports of these boards, confirmed by subsequent experience in the field, have done much to establish the respective claims of different inventors and manufacturers. During the campaigns of the Peninsula and Maryland, the officers connected with the department were zealous and energetic, and kept the troops well supplied, notwithstanding the perplexing and arduous nature of their duties. One great source of perplexity was the fact that it had been necessary to issue arms of all varieties and calibres, giving an equal diversity in the kinds of ammunition required. Untiring watchfulness was therefore incumbent upon the officers in charge to prevent confusion and improper distribution of cartridges. Colonel Kingsbury discharged the duties of his office with great efficiency until the — day of July, 1862, when his health required that he should be relieved. First Lieutenant Thomas G. Baylor, ordnance corps, succeeded him, and performed his duty during the remainder of the Peninsula and Maryland campaigns with marked ability and success.

The want of reports from Colonel Kingsbury and Lieutenant Baylor renders it impossible for me to enter at all into the details of the organization of the department.

PROVOST-MARSHAL'S DEPARTMENT.

Immediately after I was placed in command of the "Division of the Potomac," I appointed Colonel Andrew Porter, Sixteenth regiment infantry, Provost-Marshal of Washington. All the available regular infantry, a battery and a squadron of cavalry were placed under his command, and by his energetic action he soon corrected the serious evils which existed, and restored order in the city.

When the army was about to take the field, General Porter was appointed Provost-Marshal General of the army of the Potomac, and held that most important position until the end of the Peninsula campaign, when sickness, contracted in the untiring discharge of his duties, compelled him to ask to be relieved from the position he had so ably and energetically filled.

The Provost-Marshal General's department had the charge of a class of duties which had not before, in our service, been defined and grouped under the management of a special department. The following subjects indicate the sphere of this department: suppression of marauding and depredations, and of all brawls and disturbances, preservation of good order, and suppression of disturbances beyond the limits of the camps.

Prevention of straggling on the march.

Suppression of gambling-houses, drinking-houses, or bar-rooms, and brothels.

Regulation of hotels, taverns, markets, and places of public amusement.

Searches, seizures, and arrests. Execution of sentences of general courts-martial, involving imprisonment or capital punishment. Enforcement of orders prohibiting the sale of intoxicating liquors, whether by tradesmen or sutlers, and of orders respecting passes.

Deserters from the enemy.

Prisoners of war taken from the enemy.

Countersigning safeguards.

Passes to citizens within the lines, and for purposes of trade.

Complaints of citizens as to the conduct of the soldiers.

General Porter was assisted by the following named officers:

Major W. H. Wood, Seventeenth United States infantry; Captain James McMillon, acting Assistant Adjutant-General, Seventeenth United States infantry; Captain W. T. Gentry, Seventeenth United States infantry; Captain J. W. Forsurth, Eighteenth United States infantry; Lieutenant J. W. Jones, Twelfth United States infantry; Lieutenant C. F. Trowbridge, Sixteenth United States infantry; and Lieutenant C. D. Mehaffey, First United States infantry.

The provost-guard was composed of the Second United States cavalry, Major Pleasanton, and a battalion of the Eighth and Seventeenth United States infantry, Major Willard. After General Porter was relieved, Major Wood was in charge of this department until after the battle of Antietam, when Brigadier-General Patrick was appointed Provost-Marshal General.

COMMANDANT OF GENERAL HEADQUARTERS.

When the army took the field, for the purpose of securing order and regularity in the camp of headquarters, and facilitating its movements, the office of commandant of general headquarters was created, and assigned to Major G. O. Haller, Seventh United States infantry. Six companies of infantry were placed under his orders for guard and police duty. Among the orders appended to this report, is the one defining his duties, which were always satisfactorily performed.

JUDGE-ADVOCATE.

From August, 1861, the position of Judge-Advocate was held by Colonel Thomas T. Gantt, Aid-de-Camp, until compelled by ill-health to retire, at Harrison's Landing, in August, 1862. His reviews of the decisions of courts-martial during this period were of great utility in correcting the practice in military courts, diffusing true notions of discipline and subordination, and setting before the army a high standard of soldierly honor. Upon the retirement of Colonel Gantt, the duties of Judge-Advocate were ably performed by Colonel Thomas M. Key, Aid-de-Camp.

SIGNAL CORPS.

The method of conveying intelligence and orders, invented and introduced into the service by Major Albert J. Myer, signal officer United States

army, was first practically tested in large operations during the organization of the army of the Potomac.

Under the direction of Major Myer, a signal corps was formed by detailing officers and men from the different regiments of volunteers and instructing them in the use of the flags by day and torches by night.

The chief signal officer was indefatigable in his exertions to render his corps effective, and it soon became available for service in every division of the army. In addition to the flags and torches, Major Myer introduced a portable insulated telegraph wire, which could be readily laid from point to point, and which could be used under the same general system. In front of Washington, and on the Lower Potomac, at any point within our lines not reached by the military telegraph, the great usefulness of this system of signals was made manifest. But it was not until after the arrival of the army upon the Peninsula, and during the siege and battles of that and the Maryland campaigns that the great benefits to be derived from it on the field and under fire were fully appreciated.

There was scarcely any action or skirmish in which the signal corps did not render important services. Often under heavy fire of artillery, and not unfrequently while exposed to musketry, the officers and men of this corps gave information of the movements of the enemy, and transmitted directions for the evolutions of our own troops.

The report of the chief signal officer, with accompanying documents, will give the details of the services of this corps, and call attention to those members of it who were particularly distinguished.

TELEGRAPHIC.

The telegraphic operations of the army of the Potomac were superintended by Major Thomas J. Eckert, and under the immediate direction of Mr. ——— Caldwell, who was, with a corps of operators, attached to my headquarters during the entire campaigns upon the Peninsula and in Maryland.

The services of this corps were arduous and efficient. Under the admirable arrangements of Major Eckert they were constantly provided with all the material for constructing new lines, which were rapidly established whenever the army changed position; and it was not unfrequently the case that the operatives worked under fire from the enemy's guns; yet they invariably performed all the duties required of them with great alacrity and cheerfulness, and it was seldom that I was without the means of direct telegraphic communication with the War Department and with the corps commanders.

From the organization of the army of the Potomac up to November first, 1862, including the Peninsula and Maryland campaigns, upward of one thousand two hundred (1200) miles of military telegraph line had been constructed in connection with the operations of the army, and

the number of operatives and builders employed was about two hundred, (200.)

To Professor, Lowe, the intelligent and enterprising aeronaut, who had the management of the balloons, I was greatly indebted for the valuable information obtained during his ascensions.

I have more than once taken occasion to recommend the members of my staff, both general and personal, for promotion and reward. I beg leave to repeat these recommendations, and to record their names in the history of the army of the Potomac, as gallant soldiers, to whom their country owes a debt of gratitude still unpaid, for the courage, ability, and untiring zeal they displayed during the eventful campaigns in which they bore so prominent a part.

CHAPTER II.

On the fifteenth of October the main body of the army of the Potomac was in the immediate vicinity of Washington, with detachments on the left bank of the Potomac as far down as Liverpool Point, and as far up as Williamsport and its vicinity. The different divisions were posted as follows: Hooker at Budd's Ferry, Lower Potomac; Heintzelman at Fort Lyon and vicinity; Franklin near the Theological Seminary; Blenker near Hunter's Chapel; McDowell at Upton's Hill and Arlington; F. J. Porter at Hall's and Miner's Hills; Smith at Mackall's Hill; McCall at Langley; Buell at Tenallytown, Meridian Hill, Emory's Chapel, etc., on the left bank of the river; Casey at Washington; Stoneman's cavalry at Washington; Hunt's artillery at Washington; Banks at Darnestown, with detachments at Point of Rocks, Sandy Hook, Williamsport, etc.; Stone at Poolesville; and Dix at Baltimore, with detachments on the Eastern Shore.

On the nineteenth of October, 1861, General McCall marched to Drainsville with his division, in order to cover reconnoissances to be made in all directions the next day, for the purpose of learning the position of the enemy, and of covering the operations of the topographical engineers in making maps of that region.

On the twenty-ninth, acting in concert with General McCall, General Smith pushed strong parties to Freedom Hill, Vienna, Flint Hill, Peacock Hill, etc., to accomplish the same purpose in that part of the front. These reconnoissances were successful.

On the morning of the twentieth I received the following telegram from General Banks's headquarters:

DARNESTOWN, October 20, 1861.

SIR: The signal station at Sugar Loaf telegraphs that the enemy have moved away from Leesburgh. All quiet here.

R. M. COPELAND,
Assistant Adjutant-General.

General MARCY.

Whereupon I sent to General Stone, at Poolesville, the following telegram:

CAMP GRIFFIN, October 20, 1861.

General McClellan desires me to inform you that General McCall occupied Drainsville yesterday.

day, and is still there. Will send out heavy reconnaissances to-day in all directions from that point. The General desires that you will keep a good look-out upon Leesburgh, to see if this movement has the effect to drive them away. Perhaps a slight demonstration on your part would have the effect to move them.

A. V. COLBURN,
Assistant Adjutant-General.

Brig.-Gen. C. P. STONE, Poolesville.

Deeming it possible that General McCall's movement to Drainsville, together with the subsequent reconnaissances, might have the effect of inducing the enemy to abandon Leesburgh, and the despatch from Sugar Loaf appearing to confirm this view, I wished General Stone, who had only a line of pickets on the river, the mass of his troops being out of sight of, and beyond range from, the Virginia bank, to make some display of an intention to cross, and also to watch the enemy more closely than usual. I did not direct him to cross, nor did I intend that he should cross the river in force for the purpose of fighting.

The above despatch was sent on the twentieth, and reached General Stone as early as eleven A.M. of that day. I expected him to accomplish all that was intended on the same day; and this he did, as will be seen from the following despatch, received at my headquarters in Washington from Poolesville on the evening of October twentieth:

Made a feint of crossing at this place this afternoon, and at the same time started a reconnoitring party toward Leesburgh from Harrison's Island. The enemy's pickets retired to intrenchments. Report of reconnoitring party not yet received. I have means of crossing one hundred and twenty-five men once in ten minutes at each of two points. River falling slowly.

C. P. STONE,
Brigadier-General.

Major-General McCLELLAN.

As it was not foreseen or expected that General McCall would be needed to coöperate with General Stone in any attack, he was directed to fall back from Drainsville to his original camp, near Prospect Hill, as soon as the required reconnaissances were completed.

Accordingly he left Drainsville on his return, at about half-past eight A.M. of the twenty-first, reaching his old camp at about one P.M.

In the mean time I was surprised to hear from General Stone that a portion of his troops were engaged on the Virginia side of the river, and at once sent instructions to General McCall to remain at Drainsville, if he had not left before the order reached him.

The order did not reach him until his return to his camp at Langley. He was then ordered to rest his men, and hold his division in readiness to return to Drainsville at a moment's notice, should it become necessary. Similar instructions were given to other divisions during the afternoon.

S. D. 34.

The first intimation I received from General Stone of the real nature of his movements was in a telegram, as follows:

EDWARDS'S FERRY, October 21—11.10 A.M.

The enemy have been engaged opposite Harrison's Island; our men are behaving admirably.

C. P. STONE,
Brigadier-General.

Major-General McCLELLAN.

At two P.M. General Banks's Adjutant-General sent the following:

DARKESTOWN, October 21, 1861—2 P.M.

General Stone safely crossed the river this morning. Some engagements have taken place on the other side of the river—how important is not known.

R. M. COPELAND,
Acting Assistant Adjutant-General.

General R. B. MARCY.

General Stone sent the following despatches on the same day at the hours indicated:

EDWARDS'S FERRY, October 21, 1861—3 P.M.

There has been sharp firing on the right of our line, and our troops appear to be advancing there under Baker. The left, under Gorman, has advanced its skirmishers nearly one mile, and if the movement continues successful, will turn the enemy's right.

C. P. STONE,
Brigadier-General.

Major-General McCLELLAN.

EDWARDS'S FERRY, October 21, 1861—4 P.M.

Nearly all my force is across the river. Baker on the right; Gorman on the left. Right, sharply engaged.

C. P. STONE,
Brigadier-General.

General McCLELLAN.

EDWARDS'S FERRY, October 21, 1861—4.30 P.M.

I am occupied in preventing further disaster, and try to get into a position to redeem. We have lost some of our best commanders—Baker dead, Cogswell a prisoner or secreted. The wounded are being carefully and rapidly removed; and Gorman's wing is being cautiously withdrawn. Any advance from Drainsville must be made cautiously.

All was reported going well up to Baker's death, but, in the confusion following that, the right wing was outflanked. In a few hours I shall, unless a night attack is made, be in the same position as last night, save the loss of many good men.

C. P. STONE,
Brigadier-General.

Major-General McCLELLAN.

Although no more fully informed of the state of affairs, I had during the afternoon, as a precautionary measure, ordered General Banks to send one brigade to the support of the troops at Harrison's Island, and to move with the other two to Seneca Mills, ready to support General Stone if necessary. The half-past nine P.M. despatch of General Stone did not give me an entire understanding of the state of the case.

Aware of the difficulties and perhaps fatal consequences of recrossing such a river as the Potomac,

mac after a repulse, and from these telegrams supposing his whole force to be on the Virginia side, I directed General Stone to intrench himself, and hold the Virginia side at all hazards until reinforcements could arrive, when he could safely withdraw to the Maryland side, or hold his position on the Virginia side, should that prove advisable.

General Banks was instructed to move the rest of his division to Edwards's Ferry, and to send over as many men as possible before daylight to reinforce Stone. He did not arrive in time to effect this, and was instructed to collect all the small-boats he could find, and use them for crossing at Edwards's Ferry in sufficient force to enable the troops already there to hold the opposite side.

On the twenty-second I went to the ground in person, and reaching Poolesville, learned for the first time the full details of the affair.

The following extract from the evidence of General Stone before the "Committee on the Conduct of the War" on the fifth of January, 1862, will throw further light on this occurrence.

General Stone says he received the order from my headquarters to make a slight demonstration at about eleven o'clock A.M. on the twentieth, and that, in obedience to that order, he made the demonstration on the evening of the same day.

In regard to the reconnoissance on the twenty-first, which resulted in the battle of Ball's Bluff, he was asked the following questions:

Question. "Did this reconnoissance originate with yourself, or had you orders from the General-in-Chief to make it?"

To which he replied: "It originated with myself—the reconnoissance."

Question. "The order did not proceed from General McClellan?"

Answer. "I was directed the day before to make a demonstration; that demonstration was made the day previous."

Question. "Did you receive an order from the General-in-Chief to make the reconnoissance?"

Answer. "No, sir."

Making a personal examination on the twenty-third, I found that the position on the Virginia side at Edwards's Ferry was not a tenable one, but did not think it wise to withdraw the troops by daylight. I therefore caused more artillery to be placed in position on the Maryland side to cover the approaches to the ground held by us, and crossed the few additional troops that the high wind permitted us to get over, so as to be as secure as possible against any attack during the day. Before nightfall all the precautions were taken to secure an orderly and quiet passage of the troops and guns.

The movement was commenced soon after dark, under the personal supervision of General Stone, who received the order for the withdrawal at fifteen minutes past seven P.M.

By four A.M. of the twenty-fourth every thing had reached the Maryland shore in safety.

A few days afterward I received information which seemed to be authentic, to the effect that

large bodies of the enemy had been ordered from Manassas to Leesburgh, to cut off our troops on the Virginia side. Their timely withdrawal had probably prevented a still more serious disaster.

I refer to General Stone's report of this battle, furnished the War Department, and his published testimony before the "Committee on the Conduct of the War" for further details.

The records of the War Department show my anxiety and efforts to assume active offensive operations in the fall and early winter. It is only just to say, however, that the unprecedented condition of the roads and Virginia soil would have delayed an advance till February, had the discipline, organization, and equipment of the army been as complete at the close of the fall as was necessary, and as I desired and labored against every impediment to make them.

While still in command only of the army of the Potomac, namely, in early September, I proposed the formation of a corps of New-Englanders for coast service in the bays and inlets of the Chesapeake and Potomac, to coöperate with my own command, from which most of its material was drawn.

On the first of November, however, I was called to relieve Lieutenant-General Scott in the chief and general command of the armies of the Union. The direction and nature of this coast expedition, therefore, was somewhat changed, as will soon appear in the original plan submitted to the Secretary of War, and the letter of instructions later issued to General Burnside, its commander. The whole country indeed had now become the theatre of military operations from the Potomac to beyond the Mississippi, and to assist the navy in perfecting and sustaining the blockade it became necessary to extend these operations to points on the seacoast, Roanoke Island, Savannah, and New-Orleans. It remained also to equip and organize the armies of the West, whose condition was little better than that of the army of the Potomac had been. The direction of the campaigns in the West, and of the operations upon the seaboard, enabled me to enter upon larger combinations and to accomplish results, the necessity and advantage of which had not been unforeseen, but which had been beyond the ability of the single army formerly under my command to effect.

The following letters, and a subsequent paper addressed to the Secretary of War, sufficiently indicate the nature of those combinations to minds accustomed to reason upon military operations:

HEADQUARTERS ARMY OF THE POTOMAC, }
WASHINGTON, September 6, 1861. }

SIR: I have the honor to suggest the following proposition, with the request that the necessary authority be at once given me to carry it out: to organize a force of two brigades of five regiments each, of New-England men, for the general service, but particularly adapted to coast service—the officers and men to be sufficiently conversant with boat service, to manage steamers, sailing vessels, launches, barges, surf-boats, float-

ing batteries, etc. To charter or buy for the command a sufficient number of propellers, or tug-boats, for transportation of men and supplies, the machinery of which should be amply protected by timber; the vessels to have permanent experienced officers from the merchant service, but to be manned by details from the command. A naval officer to be attached to the staff of the commanding officer. The flank companies of each regiment to be armed with Dahlgren boat guns, and carbines with water-proof cartridges; the other companies to have such arms as I may hereafter designate; to be uniformed and equipped as the Rhode Island regiments are. Launches and floating batteries with timber parapets of sufficient capacity to land or bring into action the entire force.

The entire management and organization of the force to be under my control, and to form an integral part of the army of the Potomac.

The immediate object of this force is for operations in the inlets of Chesapeake Bay and the Potomac; by enabling me thus to land troops at points where they are needed, this force can also be used in conjunction with a naval force operating against points on the sea-coast. This coast division to be commanded by a general officer of my selection; the regiments to be organized as other land forces; the disbursements for vessels, etc., to be made by the proper department of the army upon the requisitions of the general commanding the division, with my approval.

I think the entire force can be organized in thirty days, and by no means the least of the advantages of this proposition is the fact that it will call into the service a class of men who would not otherwise enter the army.

You will immediately perceive that the object of this force is to follow along the coast and up the inlets and rivers, the movements of the main army when it advances.

I am, very respectfully, your obedient servant,

GEORGE B. MCCLELLAN,
Major-General Commanding.

Hon. SIMON CAMERON,
Secretary of War.

Owing chiefly to the difficulty in procuring the requisite vessels, and adapting them to the special purposes contemplated, this expedition was not ready for service until January, 1862. Then in the chief command, I deemed it best to send it to North-Carolina, with the design indicated in the following letter:

HEADQUARTERS OF THE ARMY, WASHINGTON, }
January 7, 1862. }

GENERAL: In accordance with verbal instructions heretofore given you, you will, after uniting with Flag-Officer Goldsborough at Fort Monroe, proceed under his convoy to Hatteras Inlet, where you will, in connection with him, take the most prompt measures for crossing the fleet over the Bulkhead into the waters of the sound. Under the accompanying general order constituting the department of North-Carolina, you will assume command of the garrison at Hatteras Inlet, and make such dispositions in regard to that place as

your ulterior operations may render necessary, always being careful to provide for the safety of that very important station in any contingency.

Your first point of attack will be Roanoke Island and its dependencies. It is presumed that the navy can reduce the batteries on the marshes, and cover the landing of your troops on the main island, by which, in connection with a rapid movement of the gunboats to the northern extremity, as soon as the marsh battery is reduced, it may be hoped to capture the entire garrison of the place. Having occupied the island and its dependencies, you will at once proceed to the erection of the batteries and defences necessary to hold the position with a small force. Should the flag-officer require any assistance in seizing or holding the debouches of the canal from Norfolk, you will please afford it to him.

The Commodore and yourself having completed your arrangements in regard to Roanoke Island, and the waters north of it, you will please at once make a descent on Newbern, having gained possession of which and the railroad passing through it, you will at once throw a sufficient force upon Beaufort, and take the steps necessary to reduce Fort Macon and open that port. When you seize Newbern, you will endeavor to seize the railroad as far west as Goldsborough, should circumstances favor such a movement. The temper of the people, the rebel force at hand, etc., will go far toward determining the question as to how far west the railroad can be safely occupied and held. Should circumstances render it advisable to seize and hold Raleigh, the main north and south line of railroad passing through Goldsborough should be so effectually destroyed for considerable distances north and south of that point, as to render it impossible for the rebels to use it to your disadvantage. A great point would be gained, in any event, by the effectual destruction of the Wilmington and Weldon Railroad.

I would advise great caution in moving so far into the interior as upon Raleigh. Having accomplished the objects mentioned, the next point of interest would probably be Wilmington, the reduction of which may require that additional means shall be afforded you. I would urge great caution in regard to proclamations. In no case would I go beyond a moderate joint proclamation with the naval commander, which should say as little as possible about politics or the negro; merely state that the true issue for which we are fighting is the preservation of the Union, and upholding the laws of the general Government, and stating that all who conduct themselves properly will, as far as possible, be protected in their persons and property.

You will please report your operations as often as an opportunity offers itself.

With my best wishes for your success, I am, etc., etc.

Geo. B. McClellan,
Major-General Commanding in Chief
Brigadier-General A. E. Burnside,
Commanding Expedition.

The following letters of instruction were sent

to Generals Halleck, Buell, Sherman, and Butler; and I also communicated verbally to these officers my views in full regarding the field of operations assigned to each, and gave them their instructions as much in detail as was necessary at that time:

HEADQUARTERS OF THE ARMY,
WASHINGTON, D. C., November 11, 1861. }

GENERAL: In assigning you to the command of the department of Missouri, it is probably unnecessary for me to state that I have intrusted to you a duty which requires the utmost tact and decision.

You have not merely the ordinary duties of a military commander to perform, but the far more difficult task of reducing chaos to order, of changing probably the majority of the *personnel* of the staff of the department, and of reducing to a point of economy, consistent with the interest and necessities of the State, a system of reckless expenditure and fraud, perhaps unheard of before in the history of the world.

You will find in your department many general and staff officers holding illegal commissions and appointments, not recognized or approved by the President or Secretary of War. You will please at once inform these gentlemen of the nullity of their appointment, and see that no pay or allowances are issued to them until such time as commissions may be authorized by the President or Secretary of War.

If any of them give the slightest trouble, you will at once arrest them and send them, under guard, out of the limits of your department, informing them, that if they return they will be placed in close confinement. You will please examine into the legality of the organization of the troops serving in the department. When you find any illegal, unusual, or improper organizations, you will give to the officers and men an opportunity to enter the legal military establishment under general laws and orders from the War Department; reporting in full to these headquarters any officer or organization that may decline.

You will please cause competent and reliable staff-officers to examine all existing contracts immediately, and suspend all payments upon them until you receive the report in each case. Where there is the slightest doubt as to the propriety of the contract, you will be good enough to refer the matter, with full explanation, to these headquarters, stating in each case what would be a fair compensation for the services or materials rendered under the contract. Discontinue at once the reception of material or services under any doubtful contract. Arrest and bring to prompt trial all officers who have in any way violated their duty to the Government. In regard to the political conduct of affairs, you will please labor to impress upon the inhabitants of Missouri and the adjacent States that we are fighting solely for the integrity of the Union, to uphold the power of our national Government, and to restore to the nation the blessings of peace and good order.

With respect to military operations, it is probable, from the best information in my possession, that the interests of the Government will be best served by fortifying and holding in considerable strength Rolla, Sedalia, and other interior points, keeping strong patrols constantly moving from the terminal stations, and concentrating the mass of the troops on or near the Mississippi, prepared for such ulterior operations as the public interests may demand.

I would be glad to have you make as soon as possible a personal inspection of all the important points in your department, and report the result to me. I cannot too strongly impress upon you the absolute necessity of keeping me constantly advised of the strength, condition, and location of your troops, together with all facts that will enable me to maintain that general direction of the armies of the United States which it is my purpose to exercise. I trust to you to maintain thorough organization, discipline, and economy throughout your department. Please inform me as soon as possible of every thing relating to the gunboats now in process of construction, as well as those completed.

The militia force authorized to be raised by the State of Missouri for its defence will be under your orders.

I am, General, etc., etc.

GEORGE B. MCCLELLAN,

Major-General Commanding U. S. A.

Major-General H. W. HALLECK, U. S. A.,

Commanding Department of Missouri.

HEADQUARTERS OF THE ARMY, }
WASHINGTON, November 7, 1862. }

GENERAL: In giving you instructions for your guidance in command of the department of the Ohio, I do not design to fetter you. I merely wish to express plainly the general ideas which occur to me in relation to the conduct of operations there. That portion of Kentucky west of the Cumberland River is by its position so closely related to the States of Illinois and Missouri, that it has seemed best to attach it to the department of Missouri. Your operations there, in Kentucky, will be confined to that portion of the State east of the Cumberland River. I trust I need not repeat to you that I regard the importance of the territory committed to your care as second only to that occupied by the army under my immediate command. It is absolutely necessary that we shall hold all the State of Kentucky; not only that, but that the majority of its inhabitants shall be warmly in favor of our cause, it being that which best subserves their interests. It is possible that the conduct of our political affairs in Kentucky is more important than that of our military operations. I certainly cannot overestimate the importance of the former. You will please constantly to bear in mind the precise issue for which we are fighting; that issue is the preservation of the Union and the restoration of the full authority of the general Government over all portions of our territory. We shall most readily suppress this rebellion and restore the authority of the Govern-

ment by religiously respecting the constitutional rights of all. I know that I express the feelings and opinion of the President when I say that we are fighting only to preserve the integrity of the Union and the constitutional authority of the general Government.

The inhabitants of Kentucky may rely upon it that their domestic institutions will in no manner be interfered with, and that they will receive at our hands every constitutional protection. I have only to repeat that you will in all respects carefully regard the local institutions of the region in which you command, allowing nothing but the dictates of military necessity to cause you to depart from the spirit of these instructions.

So much in regard to political considerations. The military problem would be a simple one could it be entirely separated from political influences; such is not the case. Were the population among which you are to operate wholly or generally hostile, it is probable that Nashville should be your first and principal objective point. It so happens that a large majority of the inhabitants of Eastern Tennessee are in favor of the Union; it therefore seems proper that you should remain on the defensive on the line from Louisville to Nashville, while you throw the mass of your forces, by rapid marches, by Cumberland Gap or Walker's Gap, on Knoxville, in order to occupy the railroad at that point, and thus enable the loyal citizens of Eastern Tennessee to rise, while you at the same time cut off the railway communication between Eastern Virginia and the Mississippi. It will be prudent to fortify the pass before leaving it in your rear.

Brigadier-General D. C. BUELL.

HEADQUARTERS OF THE ARMY, }
WASHINGTON, November 12, 1862. }

GENERAL: Upon assuming command of the department, I will be glad to have you make as soon as possible a careful report of the condition and situation of your troops, and of the military and political condition of your command. The main point to which I desire to call your attention is the necessity of entering Eastern Tennessee as soon as it can be done with reasonable chances of success, and I hope that you will, with the least possible delay, organize a column for that purpose, sufficiently guarding at the same time the main avenues by which the rebels may invade Kentucky. Our conversations on the subject of military operations have been so full, and my confidence in your judgment is so great, that I will not dwell further upon the subject, except to urge upon you the necessity of keeping me fully informed as to the state of affairs, both military and political, and your movements. In regard to political matters, bear in mind that we are fighting only to preserve the integrity of the Union and to uphold the power of the General Government; as far as military necessity will permit, religiously respect the constitutional rights of all. Preserve the strictest discipline among the troops, and while employing the utmost energy in military movements, be careful so to treat the un-

armed inhabitants as to contract, not widen, the breach existing between us and the rebels.

I mean by this that it is the desire of the Government to avoid unnecessary irritation by causeless arrests and persecution of individuals. Where there is good reason to believe that persons are actually giving aid, comfort, or information to the enemy, it is of course necessary to arrest them; but I have always found that it is the tendency of subordinates to make vexatious arrests on mere suspicion. You will find it well to direct that no arrest shall be made except by your order or that of your generals, unless in extraordinary cases, always holding the party making the arrest responsible for the propriety of his course. It should be our constant aim to make it apparent to all that their property, their comfort, and their personal safety will be best preserved by adhering to the cause of the Union.

If the military suggestion, I have made in this letter prove to have been founded on erroneous data, you are of course perfectly free to change the plans of operations.

Brigadier-General D. C. BUELL,
Commanding Department of the Ohio.

HEADQUARTERS OF THE ARMY, }
WASHINGTON, February 14, 1863. }

GENERAL: Your despatches in regard to the occupation of Dafuskie Island, etc., were received to-day. I saw also to-day, for the first time, your requisition for a siege-train for Savannah.

After giving the subject all the consideration in my power, I am forced to the conclusion that, under present circumstances, the siege and capture of Savannah do not promise results commensurate with the sacrifices necessary. When I learned that it was possible for the gunboats to reach the Savannah River, above Fort Pulaski, two operations suggested themselves to my mind as its immediate results.

First. The capture of Savannah by a "*coup de main*"—the result of an instantaneous advance and attack by the army and navy.

The time for this has passed, and your letter indicates that you are not accountable for the failure to seize the propitious moment, but that, on the contrary, you perceived its advantages.

Second. To isolate Fort Pulaski, cut off its supplies, and at least facilitate its reduction by a bombardment.

Although we have a long delay to deplore, the second course still remains open to us; and I strongly advise the close blockade of Pulaski, and its bombardment as soon as the thirteen-inch mortars and heavy guns reach you. I am confident you can thus reduce it. With Pulaski, you gain all that is really essential; you obtain complete control of the harbor; you relieve the blockading fleet, and render the main body of your force disposable for other operations.

I do not consider the possession of Savannah worth a siege after Pulaski is in our hands. But the possession of Pulaski is of the first importance. The expedition to Fernandina is well, and I shall be glad to learn that it is ours.

But, after all, the greatest moral effect would be produced by the reduction of Charleston and its defences. There the rebellion had its birth; there the unnatural hatred of our Government is most intense; there is the centre of the boasted power and courage of the rebels.

To gain Fort Sumter and hold Charleston is a task well worthy of our greatest efforts, and considerable sacrifices. That is the problem I would be glad to have you study. Some time must elapse before we can be in all respects ready to accomplish that purpose. Fleets are *en route* and armies in motion which have certain preliminary objects to accomplish, before we are ready to take Charleston in hand. But the time will before long arrive when I shall be prepared to make that movement. In the mean time, it is my advice and wish that no attempt be made upon Savannah, unless it can be carried with certainty by a "*coup de main*."

Please concentrate your attention and forces upon Pulaski and Fernandina. St. Augustine might as well be taken by way of an interlude, while awaiting the preparations for Charleston. Success attends us everywhere at present.

Very truly, yours,

GEO. B. McCLELLAN,
Major-General Commanding United States Army.
Brigadier-General T. W. SHERMAN,
Commanding at Port Royal, etc.

HEADQUARTERS OF THE ARMY,
WASHINGTON, February 23, 1862. }

GENERAL: You are assigned to the command of the land forces destined to coöperate with the navy in the attacks upon New-Orleans. You will use every means to keep your destination a profound secret, even from your staff-officers, with the exception of your chief of staff, and Lieutenant Weitzel, of the engineers. The force at your disposal will consist of the first thirteen regiments named in your memorandum handed to me in person, the Twenty-first Indiana, Fourth Wisconsin, and Sixth Michigan, (old and good regiments from Baltimore.)

The Twenty-first Indiana, Fourth Wisconsin, and Sixth Michigan will await your orders at Fort Monroe.

Two companies of the Twenty-first Indiana are well drilled as heavy artillery. The cavalry force already *en route* for Ship Island will be sufficient for your purposes.

After full consultation with officers well acquainted with the country in which it is proposed to operate, I have arrived at the conclusion that two (2) light batteries fully equipped, and one (1) without horses, will be all that are necessary.

This will make your force about fourteen thousand four hundred infantry, two hundred and seventy-five cavalry, five hundred and eighty artillery; total, fifteen thousand two hundred and fifty-five men. The Commanding General of the department of Key West is authorized to loan you, temporarily, two regiments; Fort Pickens can, probably, give you another, which will bring your force to nearly eighteen thousand.

The object of your expedition is one of vital

importance—the capture of New-Orleans. The route selected is up the Mississippi River, and the first obstacle to be encountered (perhaps the only one) is in the resistance offered by Forts St. Philip and Jackson. It is expected that the navy can reduce these works; in that case you will, after their capture, leave a sufficient garrison in them to render them perfectly secure; and it is recommended that, on the upward passage, a few heavy guns and some troops be left at the pilot station (at the forks of the river) to cover a retreat in the event of a disaster. These troops and guns will, of course, be removed as soon as the Forts are captured.

Should the navy fail to reduce the works, you will land your forces and siege-train, and endeavor to breach their works, silence their fire, and carry them by assault.

The next resistance will be near the English Bend, where there are some earthen batteries. Here it may be necessary for you to land your troops and coöperate with the naval attack, although it is more than probable that the navy, unassisted, can accomplish the result. If these works are taken, the city of New-Orleans necessarily falls. In that event, it will probably be best to occupy Algiers with the mass of your troops, also the eastern bank of the river above the city. It may be necessary to place some troops in the city to preserve order; but if there appears to be sufficient Union sentiment to control the city, it may be best for purposes of discipline to keep your men out of the city.

After obtaining possession of New-Orleans, it will be necessary to reduce all the works guarding its approaches from the east, and particularly to gain the Manchac Pass.

Baton Rouge, Berwick Bay, and Fort Livingston will next claim your attention.

A feint on Galveston may facilitate the objects we have in view. I need not call your attention to the necessity of gaining possession of all the rolling stock you can on the different railways, and of obtaining control of the roads themselves. The occupation of Baton Rouge by a combined naval and land force should be accomplished as soon as possible after you have gained New-Orleans. Then endeavor to open your communication with the northern column by the Mississippi, always bearing in mind the necessity of occupying Jackson, Mississippi, as soon as you can safely do so, either after or before you have effected the junction. Allow nothing to divert you from obtaining full possession of *all* the approaches to New-Orleans. When that object is accomplished to its fullest extent, it will be necessary to make a combined attack on Mobile, in order to gain possession of the harbor and works, as well as to control the railway terminus at the city. In regard to this, I will send more detailed instructions as the operations of the northern column develop themselves.

I may briefly state that the general objects of the expedition are, *first*, the reduction of New-Orleans and all its approaches; then Mobile and its defences; then Pensacola, Galveston, etc. It

is probable that by the time New-Orleans is reduced, it will be in the power of the Government to reënforce the land forces sufficiently to accomplish all these objects. In the mean time you will please give all the assistance in your power to the army and navy commanders in your vicinity, never losing sight of the fact that the great object to be achieved is the capture and firm retention of New-Orleans.

I am, &c., GEO. B. McCLELLAN,
Major-General Commanding United States Army.
Major-General B. F. BUTLER,
United States Volunteers.

The plan indicated in the above letters comprehended in its scope the operations of all the armies of the Union, the army of the Potomac as well. It was my intention, for reasons easy to be seen, that its various parts should be carried out simultaneously, or nearly so, and in coöperation along the whole line. If this plan was wise, and events have failed to prove that it was not, then it is unnecessary to defend any delay which would have enabled the army of the Potomac to perform its share in the execution of the whole work.

But about the middle of January, 1862, upon recovering from a severe illness, I found that excessive anxiety for an immediate movement of the army of the Potomac had taken possession of the minds of the Administration.

A change had just been made in the War Department, and I was soon urged by the new Secretary, Mr. Stanton, to take immediate steps to secure the reopening of the Baltimore and Ohio Railroad, and to free the banks of the Lower Potomac from the rebel batteries which annoyed passing vessels.

Very soon after his entrance upon office, I laid before him verbally my design as to the part of the plan of campaign to be executed by the army of the Potomac, which was to attack Richmond by the Lower Chesapeake. He instructed me to develop it to the President, which I did. The result was, that the President disapproved it, and by an order of January thirty-first, 1862, substituted one of his own. On the twenty-seventh of January, 1862, the following order was issued without consultation with me:

[President's General War Order No. 1.]

EXECUTIVE MANSION,
WASHINGTON, January 27, 1862. }

Ordered, That the twenty-second day of February, 1862, be the day for a general movement of the land and naval forces of the United States against the insurgent forces. That especially the army at and about Fortress Monroe, the army of the Potomac, the army of Western Virginia, the army near Munfordsville, Kentucky, the army and flotilla at Cairo, and a naval force in the Gulf of Mexico, be ready to move on that day.

That all other forces, both land and naval, with their respective commanders, obey existing orders for the time, and be ready to obey additional orders when duly given.

That the heads of departments, and especially the Secretaries of War and of the Navy, with all

their subordinates, and the General-in-Chief, with all other commanders and subordinates of land and naval forces, will severally be held to their strict and full responsibilities for prompt execution of this order.

ABRAHAM LINCOLN.

The order of January thirty-first, 1862, was as follows:

[President's Special War Order No. 1.]

EXECUTIVE MANSION,
WASHINGTON, January 31, 1862. }

Ordered, That all the disposable force of the army of the Potomac, after providing safely for the defence of Washington, be formed into an expedition for the immediate object of seizing and occupying a point upon the railroad south-westward of what is known as Manassas Junction, all details to be in the discretion of the Commander-in-Chief, and the expedition to move before or on the twenty-second day of February next.

ABRAHAM LINCOLN.

I asked His Excellency whether this order was to be regarded as final, or whether I could be permitted to submit in writing my objections to his plan, and my reasons for preferring my own. Permission was accorded, and I therefore prepared the letter to the Secretary of War, which is given below.

Before this had been submitted to the President, he addressed me the following note:

EXECUTIVE MANSION,
WASHINGTON, February 3, 1862. }

MY DEAR SIR: You and I have distinct and different plans for a movement of the army of the Potomac; yours to be done by the Chesapeake, up the Rappahannock to Urbana, and across land to the terminus of the railroad on the York River; mine to move directly to a point on the railroad south-west of Manassas.

If you will give satisfactory answers to the following questions, I shall gladly yield my plan to yours:

1st. Does not your plan involve a greatly larger expenditure of *time* and *money* than mine?

2d. Wherein is a victory *more certain* by your plan than mine?

3d. Wherein is a victory *more valuable* by your plan than mine?

4th. In fact, would it not be *less* valuable in this; that it would break no great line of the enemy's communications, while mine would?

5th. In case of disaster, would not a *retreat* be more difficult by your plan than mine?

Yours, truly, ABRAHAM LINCOLN.

Major-General McCLELLAN.

These questions were substantially answered by the following letter of the same date to the Secretary of War:

HEADQUARTERS OF THE ARMY,
WASHINGTON, February 8, 1862. }

SIR: I ask your indulgence for the following papers rendered necessary by circumstances.

I assumed command of the troops in the vicin

ity of Washington on Saturday, July twenty-seventh, 1861, six days after the battle of Bull Run.

I found no army to command; a mere collection of regiments cowering on the banks of the Potomac, some perfectly raw, others dispirited by the recent defeat.

Nothing of any consequence had been done to secure the southern approaches to the capital by means of defensive works; nothing whatever had been undertaken to defend the avenues to the city on the northern side of the Potomac.

The troops were not only undisciplined, undrilled, and dispirited; they were not even placed in military positions. The city was almost in a condition to have been taken by a dash of a regiment of cavalry.

Without one day's delay I undertook the difficult task assigned to me; that task the honorable Secretary knows was given to me without solicitation or foreknowledge. How far I have accomplished it will best be shown by the past and the present.

The capital is secure against attack, the extensive fortifications erected by the labor of our troops enable a small garrison to hold it against a numerous army, the enemy have been held in check, the State of Maryland is securely in our possession, the detached counties of Virginia are again within the pale of our laws, and all apprehension of trouble in Delaware is at an end; the enemy are confined to the positions they occupied before the disaster of the twenty-first July. More than all this, I have now under my command a well-drilled and reliable army, to which the destinies of the country may be confidently committed. This army is young and untried in battle; but it is animated by the highest spirit, and is capable of great deeds.

That so much has been accomplished and such an army created in so short a time, from nothing, will hereafter be regarded as one of the highest glories of the administration and the nation.

Many weeks, I may say many months ago, this army of the Potomac was fully in condition to repel any attack; but there is a vast difference between that and the efficiency required to enable troops to attack successfully an army elated by victory and intrenched in a position long since selected, studied, and fortified.

In the earliest papers I submitted to the President, I asked for an effective and movable force far exceeding the aggregate now on the banks of the Potomac. I have not the force I asked for.

Even when in a subordinate position, I always looked beyond the operations of the army of the Potomac; I was never satisfied in my own mind with a barren victory, but looked to combined and decisive operations.

When I was placed in command of the armies of the United States, I immediately turned my attention to the whole field of operations, regarding the army of the Potomac as only one, while the most important, of the masses under my command.

I confess that I did not then appreciate the

total absence of a general plan which had before existed, nor did I know that utter disorganization and want of preparation pervaded the Western armies.

I took it for granted that they were nearly, if not quite, in condition to move toward the fulfillment of my plans. I acknowledged that I made a great mistake.

I sent at once—with the approval of the Executive—officers I considered competent to command in Kentucky and Missouri. Their instructions looked to prompt movements. I soon found that the labor of creation and organization had to be performed there; transportation—arms—clothing—artillery—discipline, all were wanting. These things required time to procure them.

The generals in command have done their work most creditably, but we are still delayed. I had hoped that a general advance could be made during the good weather of December; I was mistaken.

My wish was to gain possession of the Eastern Tennessee Railroad, as a preliminary movement, then to follow it up immediately by an attack on Nashville and Richmond, as nearly at the same time as possible.

I have ever regarded our true policy as being that of fully preparing ourselves, and then seeking for the most decisive results. I do not wish to waste life in useless battles, but prefer to strike at the heart.

Two bases of operations seem to present themselves for the advance of the army of the Potomac:

1st. That of Washington—its present position—involving a direct attack upon the intrenched positions of the enemy at Centreville, Manassas, etc., or else a movement to turn one or both flanks of those positions, or a combination of the two plans.

The relative force of the two armies will not justify an attack on both flanks; an attack on his left flank alone involves a long line of wagon communication, and cannot prevent him from collecting for the decisive battle all the detachments now on his extreme right and left.

Should we attack his right flank by the line of the Occoquan, and a crossing of the Potomac below that river, and near his batteries, we could perhaps prevent the junction of the enemy's right with his centre, (we might destroy the former;) we would remove the obstructions to the navigation of the Potomac, reduce the length of wagon transportation by establishing new depots at the nearest points of the Potomac, and strike more directly his main railway communication.

The fords of the Occoquan below the mouth of the Bull Run are watched by the rebels; batteries are said to be placed on the heights in the rear, (concealed by the woods,) and the arrangement of his troops is such that he can oppose some considerable resistance to a passage of that stream. Information has just been received, to the effect that the enemy are intrenching a line of heights extending from the vicinity of Sangster's (Union Mills) toward Evansport. Early in

January, Sprigg's Ford was occupied by General Rhodes, with three thousand six hundred men and eight (8) guns; there are strong reasons for believing that Davis's Ford is occupied. These circumstances indicate or prove that the enemy anticipates the movement in question, and is prepared to resist it. Assuming for the present that this operation is determined upon, it may be well to examine briefly its probable progress. In the present state of affairs, one column (for the movement of so large a force must be made in several columns, at least five or six) can reach the Accatinck without danger; during the march thence to Occoquan, our right flank becomes exposed to an attack from Fairfax Station, Sangster's, and Union Mills. This danger must be met by occupying in some force either the two first-named places, or better, the point of junction of the roads leading thence to the village of Occoquan; this occupation must be continued so long as we continue to draw supplies by the roads from this city, or until a battle is won.

The crossing of the Occoquan should be made at all the fords from Wolf's Run to the mouth; the points of crossing not being necessarily confined to the fords themselves. Should the enemy occupy this line in force, we must, with what assistance the flotilla can afford, endeavor to force the passage near the mouth, thus forcing the enemy to abandon the whole line, or be taken in flank himself.

Having gained the line of the Occoquan, it would be necessary to throw a column by the shortest route to Dumfries; partly to force the enemy to abandon his batteries on the Potomac; partly to cover our left flank against an attack from the direction of Acquia; and lastly, to establish our communications with the river by the best roads, and thus give us new depots. The enemy would by this time have occupied the line of the Occoquan above Bull Run, holding Brentsville in force, and perhaps extending his lines somewhat further to the south-west.

Our next step would then be to prevent the enemy from crossing the Occoquan between Bull Run and Broad Run, to fall upon our right flank while moving on Brentsville. This might be effected by occupying Bacon Race Church and the cross-roads near the mouth of Bull Run, or still more effectually by moving to the fords themselves, and preventing him from debouching on our side.

These operations would possibly be resisted, and it would require some time to effect them, as, nearly at the same time as possible, we should gain the fords necessary to our purposes above Broad Run. Having secured our right flank, it would become necessary to carry Brentsville at any cost, for we could not leave it between the right flank and the main body. The final movement on the railroad must be determined by circumstances existing at the time.

This brief sketch brings out in bold relief the great advantage possessed by the enemy in the strong central position he occupies, with roads diverging in every direction, and a strong line of

defence enabling him to remain on the defensive, with a small force on one flank, while he concentrates every thing on the other for a decisive action.

Should we place a portion of our force in front of Centreville, while the rest crosses the Occoquan, we commit the error of dividing our army by a very difficult obstacle, and by a distance too great to enable the two parts to support each other, should either be attacked by the masses of the enemy, while the other is held in check.

I should perhaps have dwelt more decidedly on the fact that the force left near Sangster's must be allowed to remain somewhere on that side of the Occoquan until the decisive battle is over, so as to cover our retreat in the event of disaster, unless it should be decided to select and intrench a new base somewhere near Dumfries, a proceeding involving much time.

After the passage of the Occoquan by the main army, this covering force could be drawn into a more central and less exposed position—say Brimstone Hill or nearer the Occoquan. In this latitude the weather will for a considerable period be very uncertain, and a movement commenced in force on roads in tolerably firm condition will be liable, almost certain, to be much delayed by rains and snow. It will, therefore, be next to impossible to surprise the enemy, or take him at a disadvantage by rapid manoeuvres. Our slow progress will enable him to divine our purposes, and take his measures accordingly. The probability is, from the best information we possess, that the enemy has improved the roads leading to his lines of defence, while we have to work as we advance.

Bearing in mind what has been said, and the present unprecedented and impassable condition of the roads, it will be evident that no precise period can be fixed upon for the movement on this line. Nor can its duration be closely calculated; it seems certain that many weeks may elapse before it is possible to commence the march. Assuming the success of this operation, and the defeat of the enemy as certain, the question at once arises as to the importance of the results gained. I think these results would be confined to the possession of the field of battle, the evacuation of the line of the Upper Potomac by the enemy, and the moral effect of the victory; important results, it is true, but not decisive of the war, nor securing the destruction of the enemy's main army, for he could fall back upon other positions, and fight us again and again, should the condition of his troops permit. If he is in no condition to fight us again out of the range of the intrenchments at Richmond, we would find it a very difficult and tedious matter to follow him up there, for he would destroy his railroad bridges and otherwise impede our progress through a region where the roads are as bad as they well can be, and we would probably find ourselves forced at last to change the whole theatre of war, or to seek a shorter land route to Richmond, with a smaller available force, and at an expenditure of much more time, than were we to adopt the short line

at once. We would also have forced the enemy to concentrate his forces and perfect his defensive measures at the very points where it is desirable to strike him when least prepared.

II. The second base of operations available for the army of the Potomac is that of the lower Chesapeake Bay, which affords the shortest possible land route to Richmond, and strikes directly at the heart of the enemy's power in the East.

The roads in that region are passable at all seasons of the year.

The country now alluded to is much more favorable for offensive operations than that in front of Washington, (which is *very* unfavorable,) much more level, more cleared land, the woods less dense, the soil more sandy, and the spring some two or three weeks earlier. A movement in force on that line obliges the enemy to abandon his intrenched position at Manassas, in order to hasten to cover Richmond and Norfolk. He *must* do this; for should he permit us to occupy Richmond, his destruction can be averted only by entirely defeating us in a battle, in which he must be the assailant. This movement, if successful, gives us the capital, the communications, the supplies of the rebels; Norfolk would fall; all the waters of the Chesapeake would be ours; all Virginia would be in our power, and the enemy forced to abandon Tennessee and North-Carolina. The alternative presented to the enemy would be, to beat us in a position selected by ourselves, disperse, or pass beneath the Caudine forks.

Should we be beaten in a battle, we have a perfectly secure retreat down the Peninsula upon Fort Monroe, with our flanks perfectly covered by the fleet.

During the whole movement our left flank is covered by the water. Our right is secure, for the reason that the enemy is too distant to reach us in time; he can only oppose us in front; we bring our fleet into full play.

After a successful battle our position would be — Burnside forming our left — Norfolk held securely — our centre connecting Burnside with Buell, both by Raleigh and Lynchburgh — Buell in Eastern Tennessee and North-Alabama — Halleck at Nashville and Memphis.

The next movement would be to connect with Sherman on the left, by reducing Wilmington and Charleston; to advance our centre into South-Carolina and Georgia; to push Buell either toward Montgomery, or to unite with the main army in Georgia; to throw Halleck southward to meet the naval expedition from New-Orleans.

We should then be in a condition to reduce at our leisure all the Southern seaports; to occupy all the avenues of communication; to use the great outlet of the Mississippi; to reestablish our government and arms in Arkansas, Louisiana, and Texas; to force the slaves to labor for our subsistence, instead of that of the rebels; to bid defiance to all foreign interference. Such is the object I have ever had in view — this is the general plan which I hope to accomplish.

For many long months I have labored to prepare the army of the Potomac to play its part in the programme; from the day when I was placed in command of all our armies, I have exerted myself to place all the other armies in such a condition that they, too, could perform their allotted duties.

Should it be determined to operate from the Lower Chesapeake, the point of landing which promises the most brilliant result is Urbana, on the Lower Rappahannock. This point is easily reached by vessels of heavy draught; it is neither occupied nor observed by the enemy — it is but one march from West-Point, the key of that region, and thence but two marches to Richmond. A rapid movement from Urbana would probably cut off Magruder in the Peninsula, and enable us to occupy Richmond, before it could be strongly reinforced. Should we fail in that, we could, with the coöperation of the navy, cross the James and throw ourselves in rear of Richmond, thus forcing the enemy to come out and attack us, for his position would be untenable, with us on the southern bank of the river.

Should circumstances render it not advisable to land at Urbana, we can use Mobjack Bay; or, the worst coming to the worst, we can take Fort Monroe as a base, and operate with complete security, although with less celerity and brilliancy of results — up the Peninsula.

To reach whatever point may be selected as a base, a large amount of cheap water transportation must be collected, consisting mainly of canal-boats, barges, wood-boats, schooners, etc., towed by small steamers, all of a very different character from those required for all previous expeditions. This can certainly be accomplished within thirty days from the time the order is given. I propose, as the best possible plan that can, in my judgment, be adopted, to select Urbana as a landing place for the first detachments; to transport by water four divisions of infantry with their batteries, the regular infantry, a few wagons, one bridge train, and a few squadrons of cavalry, making the vicinity of Hooker's position the place of embarkation for as many as possible; to move the regular cavalry and reserve artillery, the remaining bridge trains and wagons, to a point somewhere near Cape Lookout, then ferry them over the river by means of North River ferry-boats, march them over to the Rappahannock, (covering the movement by an infantry force near Heathsville,) and to cross the Rappahannock in a similar way. The expense and difficulty of the movement will then be very much diminished, (a saving of transportation of about ten thousand horses,) and the result none the less certain.

The concentration of the cavalry, etc., on the lower counties of Maryland can be effected without exciting suspicion, and the movement made without delay from that cause.

This movement, if adopted, will not at all expose the city of Washington to danger.

The total force to be thrown upon the new line would be, according to circumstances, from one

hundred and ten thousand to one hundred and forty thousand. I hope to use the latter number by bringing fresh troops into Washington, and still leaving it quite safe. I fully realize that in all projects offered, time will probably be the most valuable consideration. It is my decided opinion that, in that point of view, the second plan should be adopted. It is possible, nay, highly probable, that the weather and state of the roads may be such as to delay the direct movement from Washington, with its unsatisfactory results and great risks, far beyond the time required to complete the second plan. In the first case we can fix no definite time for an advance. The roads have gone from bad to worse. Nothing like their present condition was ever known here before; they are impassable at present. We are entirely at the mercy of the weather. It is by no means certain that we can beat them at Manassas. On the other line I regard success as certain by all the chances of war. We demoralize the enemy by forcing him to abandon his prepared position for one which we have chosen, in which all is in our favor, and where success must produce immense results.

My judgment, as a General, is clearly in favor of this project. Nothing is certain in war, but all the chances are in favor of this movement. So much am I in favor of the southern line of operations, that I would prefer the move from Fortress Monroe as a base—as a certain though less brilliant movement than that from Urbana, to an attack upon Manassas.

I know His Excellency the President, you, and I, all agree in our wishes; and that these wishes are, to bring this war to a close as promptly as the means in our possession will permit. I believe that the mass of the people have entire confidence in us—I am sure of it. Let us, then, look only to the great result to be accomplished, and disregard every thing else.

I am, very respectfully, your obedient servant,

GEO. B. MCCLELLAN,
Major-General Commanding.

HON. E. M. STANTON,
Secretary of War.

This letter must have produced some effect upon the mind of the President, since the execution of his order was not required, although it was not revoked as formally as it had been issued. Many verbal conferences ensued, in which, among other things, it was determined to collect as many canal-boats as possible, with the view to employ them largely in the transportation of the army to the Lower Chesapeake. The idea was at one time entertained by the President to use them in forming a bridge across the Potomac near Liverpool Point, in order to throw the army over that point; but this was subsequently abandoned. It was also found by experience that it would require much time to prepare the canal-boats for use in transportation, to the extent that had been anticipated.

Finally, on the twenty-seventh of February, 1862, the Secretary of War, by the authority of the President instructed Mr. John Tucker, As-

sistant Secretary of War, to procure at once the necessary steamers and sailing craft to transport the army of the Potomac to its new field of operations.

The following extract from the report of Mr. Tucker, dated April fifth, will show the nature and progress of this well-executed service:

"I was called to Washington by telegraph, on seventeenth January last, by Assistant Secretary of War Thomas A. Scott. I was informed that Major-General McClellan wished to see me. From him I learned that he desired to know if transportation on smooth water could be obtained to move at one time, for a short distance, about fifty thousand troops, ten thousand horses, one thousand wagons, thirteen batteries, and the usual equipment of such an army. He frankly stated to me that he had always supposed such a movement entirely feasible, until two experienced quartermasters had recently reported it impracticable, in their judgment. A few days afterward, I reported to General McClellan that I was entirely confident the transports could be commanded, and stated the mode by which his object could be accomplished. A week or two afterward I had the honor of an interview with the President and General McClellan, when the subject was further discussed, and especially as to the time required.

"I expressed the opinion that, as the movement of the horses and wagons would have to be made chiefly by schooners and barges, that as each schooner would require to be properly fitted for the protection of the horses, and furnished with a supply of water and forage, and each transport for the troops provided with water, I did not deem it prudent to assume that such an expedition could start within thirty days from the time the order was given.

"The President and General McClellan both urgently stated the vast importance of an earlier movement. I replied that if favorable winds prevailed, and there was great despatch in loading, the time might be materially diminished.

"On the fourteenth February you (Secretary of War) advertised for transports of various descriptions, inviting bids on the twenty-seventh February. I was informed that the proposed movement by water was decided upon. That evening the Quartermaster-General was informed of the decision. Directions were given to secure the transportation—any assistance was tendered. He promptly detailed to this duty two most efficient assistants in his department. Colonel Rufus Ingalls was stationed at Annapolis, where it was then proposed to embark the troops, and Captain Henry C. Hodges was directed to meet me in Philadelphia, to attend to chartering the vessels. With these arrangements I left Washington on the twenty-eighth February.

"I beg to hand herewith a statement, prepared by Captain Hodges, of the vessels chartered, which exhibits the prices paid, and parties from whom they were taken:

113 steamers, at an average price per day, \$215 10
 188 schooners, " " " 24 45
 88 barges, " " " 14 27

"In thirty-seven days from the time I received the order in Washington (and most of it was accomplished in thirty days) these vessels transported from Perryville, Alexandria, and Washington to Fort Monroe (the place of departure having been changed, which caused delay) one hundred and twenty-one thousand five hundred men, fourteen thousand five hundred and ninety-two animals, one thousand one hundred and fifty wagons, forty-four batteries, seventy-four ambulances, besides pontoon-bridges, telegraph materials, and the enormous quantity of equipage, etc., required for an army of such magnitude. The only loss of which I have heard is eight mules and nine barges, which latter went ashore in a gale within a few miles of Fort Monroe—the cargoes being saved. With this trifling exception, not the slightest accident has occurred, to my knowledge.

"I respectfully but confidently submit that, for the economy and celerity of movement, this expedition is without a parallel on record.

"JOHN TUCKER,
 "Assistant Secretary of War."

In the mean time the destruction of the batteries on the Lower Potomac, by crossing our troops opposite them, was considered, and preparations were even made for throwing Hooker's division across the river, to carry them by assault. Finally, however, after an adverse report from Brigadier-General J. G. Barnard, Chief Engineer, given below, who made a reconnoissance of the positions, and in view of the fact that it was still out of the power of the Navy Department to furnish suitable vessels to coöperate with land troops, this plan was abandoned as impracticable. A close examination of the enemy's works and their approaches, made after they were evacuated, showed that the decision was a wise one. The only means, therefore, of accomplishing the capture of these works, so much desired by the President, was by a movement by land from the left of our lines, on the right bank of the Potomac—a movement obviously unwise.

The attention of the Navy Department as early as August twelfth, 1861, had been called to the necessity of maintaining a strong force of efficient war vessels on the Potomac.

HEADQUARTERS DIVISION OF THE POTOMAC, }
 WASHINGTON, August 12, 1861. }

STR: I have to-day received additional information which convinces me that it is more than probable that the enemy will, within a very short time, attempt to throw a respectable force from the mouth of Acquia Creek into Maryland. This attempt will probably be preceded by the erection of batteries at Matthias and White House Points. Such a movement on the part of the enemy, in connection with others probably designed, would place Washington in great jeopardy.

I most earnestly urge that the strongest possible naval force be at once concentrated near the mouth of Acquia Creek, and that the most vigilant watch be maintained day and night, so as to render such passage of the river absolutely impossible.

I recommend that the Minnesota and any other vessels available from Hampton Roads be at once ordered up there, and that a great quantity of coal be sent to that vicinity, sufficient for several weeks' supply. At least one strong war vessel should be kept at Alexandria, and I again urge the concentration of a strong naval force on the Potomac without delay.

If the Naval Department will render it absolutely impossible for the enemy to cross the river below Washington, the security of the capital will be greatly increased.

I cannot too earnestly urge an immediate compliance with these requests.

I am, sir, very respectfully, your obedient servant.

GEORGE B. MCCLELLAN,
 Major-General Commanding.

HON. GIDEON WELLES,
 Secretary of the United States Navy.

It was on the twenty-seventh of September, 1861, that General Barnard, Chief Engineer, in company with Captain Wyman of the Potomac flotilla, had been instructed to make a reconnoissance of the enemy's batteries as far as Matthias Point. In his report of his observations he says:

"Batteries at High Point and Cockpit Point, and thence down to Chopawampsic, cannot be prevented. We may, indeed, prevent their construction on certain points, but along here somewhere the enemy can establish, in spite of us, as many batteries as he chooses. What is the remedy? Favorable circumstances, not to be anticipated nor made the basis of any calculations, might justify and render successful the attack of a particular battery. To suppose that we can capture all, and by mere attacks of this kind prevent the navigation being molested, is very much the same as to suppose that the hostile army in our own front can prevent us building and maintaining field-works to protect Arlington and Alexandria by capturing them, one and all, as fast as they are built."

In another communication upon the subject of crossing troops for the purpose of destroying the batteries on the Virginia side of the Potomac, General Barnard says:

"The operation involves the forcing of a very strong line of defence of the enemy, and all that we would have to do if we were really opening a campaign against them there.

"It is true we hope to force this line by turning it, by landing on Freestone Point. With reason to believe that this may be successful, it cannot be denied that it involves a risk of failure. Should we, then, considering all the consequences which may be involved, enter into the operation, merely to capture the Potomac batteries? I think not. Will not the Ericsson, assisted by one other gunboat capable of keeping alongside these batteries, so far control their fire as to keep the navy

igation sufficiently free as long as we require it? Captain Wyman says yes."

It was the opinion of competent naval officers, and I concur with them, that had an adequate force of strong and well-armed vessels been acting on the Potomac from the beginning of August, it would have been next to impossible for the rebels to have constructed or maintained batteries upon the banks of the river. The enemy never occupied Matthias Point, nor any other point on the river, which was out of supporting distance from the main army.

When the enemy commenced the construction of these batteries, the army of the Potomac was not in a condition to prevent it. Their destruction by our army would have afforded but a temporary relief unless we had been strong enough to hold the entire line of the Potomac. This could be done either by driving the enemy from Manassas and Aquia Creek, by main force, or by manœuvring to compel them to vacate their positions. The latter course was finally pursued, and with success.

About the twentieth of February, 1862, additional measures were taken to secure the re-opening of the Baltimore and Ohio Railroad. The preliminary operations of General Lander for this object are elsewhere described.

I had often observed to the President and to members of the Cabinet that the reconstruction of this railway could not be undertaken until we were in a condition to fight a battle to secure it. I regarded the possession of Winchester and Strasburgh as necessary to cover the railway in the rear, and it was not till the month of February that I felt prepared to accomplish this very desirable but not vital purpose.

The whole of Banks's division and two brigades of Sedgwick's division were thrown across the river at Harper's Ferry, leaving one brigade of Sedgwick's division to observe and guard the Potomac from Great Falls to the mouth of the Monocacy. A sufficient number of troops of all arms were held in readiness in the vicinity of Washington, either to march *via* Leesburgh or to move by rail to Harper's Ferry, should this become necessary in carrying out the objects in view.

The subjoined notes from a communication subsequently addressed to the War Department will sufficiently explain the conduct of these operations.

NOTES.

"When I started for Harper's Ferry, I plainly stated to the President and Secretary of War that the chief object of the operation would be to open the Baltimore and Ohio Railroad by crossing the river in force at Harper's Ferry; that I had collected the material for making a permanent bridge by means of canal-boats; that from the nature of the river, it was doubtful whether such a bridge could be constructed; that if it could not, I would at least occupy the ground in front of Harper's Ferry, in order to cover the rebuilding of the railroad bridge; and finally, when the communi-

cations were perfectly secure, move on Winchester.

"When I arrived at the place I found the bateau bridge nearly completed; the holding-ground proved better than had been anticipated; the weather was favorable, there being no wind. I at once crossed over the two brigades which had arrived, and took steps to hurry up the other two, belonging respectively to Banks's and Sedgwick's divisions. The difficulty of crossing supplies had not then become apparent. That night I telegraphed for a regiment of regular cavalry and four batteries of heavy artillery to come up the next day, (Thursday,) besides directing Keyes's division of infantry to be moved up on Friday.

"Next morning the attempt was made to pass the canal-boats through the lift-lock, in order to commence at once the construction of a permanent bridge. It was then found for the first time that the lock was too small to permit the passage of the boats, it having been built for a class of boats running on the Shenandoah Canal, and too narrow by some four or six inches for the canal-boats. The lift-locks, above and below, are all large enough for the ordinary boats. I had seen them at Edwards's Ferry thus used. It had always been represented to the engineers by the military railroad employes, and others, that the lock *was* large enough, and, the difference being too small to be detected by the eye, no one had thought of measuring it, or suspecting any difficulty. I thus suddenly found myself unable to build the permanent bridge. A violent gale had arisen, which threatened the safety of our only means of communication; the narrow approach to the bridge was so crowded and clogged with wagons that it was very clear that, under existing circumstances, nothing more could be done than to cross over the baggage and supplies of the two brigades. Of the others, instead of being able to cross both during the morning, the last arrived only in time to go over just before dark. It was evident that the troops under orders would only be in the way, should they arrive, and that it would not be possible to subsist them for a rapid march on Winchester. It was therefore deemed necessary to countermand the order, content ourselves with covering the re-opening of the railroad for the present, and in the mean time use every exertion to establish, as promptly as possible, depots of forage and subsistence on the Virginia side, to supply the troops, and enable them to move on Winchester independently of the bridge. The next day, (Friday,) I sent a strong reconnoissance to Charlestown, and, under its protection, went there myself. I then determined to hold that place, and to move the troops composing Lander's and Williams's commands at once on Martinsburgh and Bunker Hill, thus effectually covering the reconstruction of the railroad.

"Having done this, and taken all the steps in my power to insure the rapid transmission of supplies over the river, I returned to this city, well satisfied with what had been accomplished.

While up the river I learned that the President was dissatisfied with the state of affairs; but on my return here, understood from the Secretary of War that upon learning the whole state of the case the President was fully satisfied. I contented myself, therefore, with giving to the Secretary a brief statement, as I have written here."

The design aimed at was entirely compassed, and before the first of April, the date of my departure for the Peninsula, the railroad was in running order. As a demonstration upon the left flank of the enemy, this movement no doubt assisted in determining the evacuation of his lines on the eighth and ninth of March.

On my return from Harper's Ferry, on the twenty-eighth of February, the preparations necessary to carry out the wishes of the President and Secretary of War in regard to destroying the batteries on the Lower Potomac were at once undertaken. Mature reflection convinced me that this operation would require the movement of the entire army, for I felt sure that the enemy would resist it with his whole strength. I undertook it with great reluctance, both on account of the extremely unfavorable condition of the roads and my firm conviction that the proposed movement to the Lower Chesapeake would necessarily, as it subsequently did, force the enemy to abandon all his positions in front of Washington. Besides, it did not forward my plan of campaign to precipitate this evacuation by any direct attack, nor to subject the army to any needless loss of life and material by a battle near Washington, which could produce no decisive results. The preparations for a movement toward the Occoquan, to carry the batteries, were, however, advanced as rapidly as the season permitted, and I had invited the commanders of divisions to meet at headquarters on the eighth of March, for the purpose of giving them their instructions, and receiving their advice and opinion in regard to their commands, when an interview with the President indicated to me the possibility of a change in my orders.

His Excellency sent for me at a very early hour on the morning of the eighth, and renewed his expressions of dissatisfaction with the affair of Harper's Ferry, and with my plans for the new movement down the Chesapeake. Another recital of the same facts which had before given satisfaction to His Excellency again produced, as I supposed, the same result.

The views which I expressed to the President were reinforced by the result of a meeting of my general officers at headquarters. At that meeting my plans were laid before the division commanders, and were approved by a majority of those present. Nevertheless, on the same day two important orders were issued by the President, without consultation with me. The first of these was the General War Order No. 2, directing the formation of army corps, and assigning their commanders.

I had always been in favor of the principle of an organization into army corps, but preferred *deferring its practical execution* until some little

experience in campaign and on the field of battle should show what general officers were most competent to exercise these high commands, for it must be remembered that we then had no officers whose experience in war on a large scale was sufficient to prove that they possessed the necessary qualifications. An incompetent commander of an army corps might cause irreparable damage, while it is not probable that an incompetent division commander could cause any very serious mischief. These views had frequently been expressed by me to the President and members of the Cabinet; it was therefore with as much regret as surprise that I learned the existence of this order.

The first order has been given above; the second order was as follows:

[President's General War Order No. 3.]

EXECUTIVE MANSION, {
WASHINGTON, March 8, 1862.

Ordered, That no change of the base of operations of the army of the Potomac shall be made without leaving in and about Washington such a force as, in the opinion of the General-in-Chief and the commanders of army corps, shall leave said city entirely secure.

That no more than two army corps (about fifty thousand troops) of said army of the Potomac shall be moved *en route* for a new base of operations until the navigation of the Potomac, from Washington to the Chesapeake Bay, shall be freed from the enemy's batteries, and other obstructions, or until the President shall hereafter give express permission.

That any movement as aforesaid, *en route* for a new base of operations, which may be ordered by the General-in-Chief, and which may be intended to move upon the Chesapeake Bay, shall begin to move upon the bay as early as the eighteenth March instant, and the General-in-Chief shall be responsible that it moves as early as that day.

Ordered, That the army and navy coöperate in an immediate effort to capture the enemy's batteries upon the Potomac between Washington and the Chesapeake Bay.

ABRAHAM LINCOLN.

L. THOMAS,
Adjutant-General.

After what has been said already in regard to the effect of a movement to the Lower Chesapeake it is unnecessary for me to comment upon this document, further than to say that the time of beginning the movement depended upon the state of readiness of the transports, the entire control of which had been placed by the Secretary of War in the hands of one of the Assistant Secretaries, and not under the Quartermaster General; so that even if the movement were not impeded by the condition imposed, in regard to the batteries on the Potomac, it could not have been in my power to begin it before the eighteenth of March, unless the Assistant Secretary of War had completed his arrangements by that time.

Meanwhile important events were occurring

which materially modified the designs for the subsequent campaign. The appearance of the Merrimac off Old Point Comfort, and the encounter with the United States squadron on the eighth of March, threatened serious derangement of the plan for the Peninsula movement. But the engagement between the Monitor and Merrimac on the ninth of March, demonstrated so satisfactorily the power of the former, and the other naval preparations were so extensive and formidable, that the security of Fort Monroe, as a base of operations, was placed beyond a doubt; and although the James River was closed to us, the York River, with its tributaries, was still open as a line of water communication with the fortress. The general plan, therefore, remained undisturbed, although less promising in its details than when the James River was in our control.

On Sunday, the ninth of March, information from various sources made it apparent that the enemy was evacuating his positions at Centreville and Manassas as well as on the Upper and Lower Potomac. The President and Secretary of War were present when the most positive information reached me, and I expressed to them my intention to cross the river immediately, and there gain the most authentic information, prior to determining what course to pursue.

The retirement of the enemy toward Richmond had been expected as the natural consequence of the movement to the Peninsula, but the adoption of this course immediately on ascertaining that such a movement was intended, while it relieved me from the results of the undue anxiety of my superiors, and attested the character of the design, was unfortunate in that the then almost impassable roads between our position and theirs deprived us of the opportunity for inflicting damage usually afforded by the withdrawal of a large army in the face of a powerful adversary.

The retirement of the enemy and the occupation of the abandoned positions which necessarily followed presented an opportunity for the troops to gain some experience on the march and bivouac preparatory to the campaign, and to get rid of the superfluous baggage and other "impediments" which accumulate so easily around an army encamped for a long time in one locality.

A march to Manassas and back would produce no delay in embarking for the Lower Chesapeake, as the transports could not be ready for some time, and it afforded a good intermediate step between the quiet and comparative comfort of the camps around Washington, and the rigors of active operations, besides accomplishing the important object of determining the positions and perhaps the future designs of the enemy, with the possibility of being able to harass their rear.

I therefore issued orders during the night of the ninth of March for a general movement of the army the next morning toward Centreville and Manassas, sending in advance two regiments of cavalry under Colonel Averill with orders to reach Manassas if possible, ascertain the exact condition of affairs, and do whatever he could

to retard and annoy the enemy if really in retreat; at the same time I telegraphed to the Secretary of War that it would be necessary to defer the organization of the army corps until the completion of the projected advance upon Manassas, as the divisions could not be brought together in time. The Secretary replied, requiring immediate compliance with the President's order, but on my again representing that this would compel the abandonment or postponement of the movement to Manassas, he finally consented to its postponement.

At noon on the tenth of March the cavalry advance reached the enemy's lines at Centreville, passing through his recently occupied camps and works, and finding still burning heaps of military stores and much valuable property.

Immediately after being assigned to the command of the troops around Washington, I organized a secret service force, under Mr. E. J. Allen, a very experienced and efficient person. This force, up to the time I was relieved from command, was continually occupied in procuring from all possible sources information regarding the strength, positions, and movements of the enemy.

All spies, "contrabands," deserters, refugees, and many prisoners of war, coming into our lines from the front, were carefully examined, first by the outpost and division commanders, and then by my chief of staff and the Provost-Marshal General. Their statements, taken in writing, and in many cases under oath, from day to day, for a long period previous to the evacuation of Manassas, comprised a mass of evidence which, by careful digests and collations, enabled me to estimate with considerable accuracy the strength of the enemy before us. Summaries showing the character and results of the labors of the secret service force accompany this report and I refer to them for the facts they contain, and as a measure of the ignorance which led some journals at that time and persons in high office unwittingly to trifle with the reputation of an army, and to delude the country with quaker gun stories of the defences and gross understatements of the numbers of the enemy.

The following orders were issued for the examination of persons coming from the direction of the enemy:

[Circular.]

HEADQUARTERS ARMY OF THE POTOMAC, {
WASHINGTON, December 16, 1861.

The Major-General Commanding directs that hereafter all deserters, prisoners, spies, "contrabands," and all other persons whatever coming or brought within our lines from Virginia, shall be taken immediately to the quarters of the commander of the division within whose lines they may come or be brought, without previous examination by any one, except so far as may be necessary for the officer commanding the advance-guard to elicit information regarding his particular post; that the division commander examine all such persons himself, or delegate such duty to a proper officer of his staff, and allow no

other persons to hold any communication with them; that he then immediately send them, with a sufficient guard, to the provost-marshal in this city for further examination and safe keeping, and that stringent orders be given to all guards having such persons in charge not to hold any communication with them whatever; and further, that the information elicited from such persons shall be immediately communicated to the Major-General Commanding, or to the chief of staff, and to no other person whatever.

The Major-General Commanding further directs that a sufficient guard be placed around every telegraph station pertaining to this army, and that such guards be instructed not to allow any person, except the regular telegraph corps, general officers, and such staff-officers as may be authorized by their chief, to enter or loiter around said stations within hearing of the sound of the telegraph instruments.

By command of Major-General McCLELLAN.

S. WILLIAMS,
Assistant Adjutant-General.

HEADQUARTERS ARMY OF THE POTOMAC, }
WASHINGTON, February 26, 1862. }

GENERAL ORDER No. 27.

All deserters from the enemy, prisoners, and other persons coming within our lines, will be taken at once to the provost-marshal of the nearest division, who will examine them in presence of the division commander or an officer of his staff designated for the purpose. This examination will only refer to such information as may affect the division and those near it, especially those remote from general headquarters.

As soon as this examination is completed—and it must be made as rapidly as possible—the person will be sent, under proper guard, to the Provost-Marshal General, with a statement of his replies to the questions asked. Upon receiving him, the Provost-Marshal General will at once send him, with his statement, to the chief of staff of the army of the Potomac, who will cause the necessary examination to be made. The Provost-Marshal General will have the custody of all such persons. Division commanders will at once communicate to other division commanders all information thus obtained which affects them.

By command of Major-General McCLELLAN.

S. WILLIAMS,
Assistant Adjutant-General.

In addition to the foregoing orders, the division commanders were instructed, whenever they desired to send out scouts toward the enemy, to make known the object at headquarters, in order that I might determine whether we had the information it was proposed to obtain, and that I might give the necessary orders to other commanders, so that the scouts should not be molested by the guards.

It will be seen from the report of the chief of the secret service corps, dated March eighth, that the forces of the rebel army of the Potomac, at that date, were as follows:

At Manassas, Centreville, Bull Run, Upper Occoquan, and vicinity, eighty thousand men; at Brooks's Station, Dumfries, Lower Occoquan, and vicinity, eighteen thousand men; at Leesburgh and vicinity, four thousand five hundred men; in the Shenandoah Valley, thirteen thousand men. One hundred and fifteen thousand five hundred men.

About three hundred field guns and from twenty-six to thirty siege-guns were with the rebel army in front of Washington. The report made on the seventeenth of March, after the evacuation of Manassas and Centreville, corroborates the statements contained in the report of the eighth, and is fortified by the affidavits of several railroad engineers, constructors, baggage-masters, etc., whose opportunities for forming correct estimates were unusually good. These affidavits will be found in the accompanying reports of the chief of the secret service corps.

A reconnoissance of the works at Centreville made by Lieutenant McAllister, United States engineers, on March fourteenth, 1862, and a survey of those at Manassas, made by a party of the United States coast survey, in April, 1862, confirmed also my conclusions as to the strength of the enemy's defences. Those at Centreville consisted of two lines, one facing east and the other north. The former consisted of seven works, namely, one bastion fort, two redoubts, two lunettes, and two batteries; all containing embrasures for forty guns, and connected by infantry parapets and double caponnières. It extended along the crest of the ridge a mile and three quarters from its junction with the northern front to ground thickly wooded and impassable to an attacking column.

The northern front extended about one and one fourth mile to Great Rocky Run, and thence three fourths of a mile further to thickly wooded, impassable ground in the valley of Cub Run. It consisted of six lunettes and batteries with embrasures for thirty-one guns, connected by an infantry parapet in the form of a crémaillère line with redans. At the town of Centreville, on a high hill commanding the rear of all the works within range, was a large hexagonal redoubt with ten embrasures.

Manassas Station was defended in all directions by a system of detached works, with platforms for heavy guns arranged for marine carriages, and often connected by infantry parapets. This system was rendered complete by a very large work, with sixteen embrasures, which commanded the highest of the other works by about fifty feet.

Sketches of the reconnoissances above referred to will be found among the maps appended to this report.

From this it will be seen that the positions selected by the enemy at Centreville and Manassas were naturally very strong, with impassable streams and broken ground, affording ample protection for their flanks, and that strong lines of intrenchments swept all the available approaches.

Although the history of every former war has

conclusively shown the great advantages which are possessed by an army acting on the defensive and occupying strong positions, defended by heavy earthworks; yet, at the commencement of this war, but few civilians in our country, and, indeed, not all military men of rank, had a just appreciation of the fact.

New levies that have never been in battle cannot be expected to advance without cover under the murderous fire from such defences, and carry them by assault. This is work in which veteran troops frequently falter and are repulsed with loss. That an assault of the enemy's position in front of Washington, with the new troops composing the army of the Potomac, during the winter of 1861-'62, would have resulted in defeat and demoralization, was too probable.

The same army, though injured to war in many battles, hard fought and bravely won, has twice, under other generals, suffered such disasters as it was no excess of prudence then to avoid. My letter to the Secretary of War, dated February third, 1862, and given above, expressed the opinion that the movement to the Peninsula would compel the enemy to retire from his position at Manassas and free Washington from danger. When the enemy first learned of that plan, they did thus evacuate Manassas. During the Peninsula campaign, as at no former period, Northern Virginia was completely in our possession, and the vicinity of Washington free from the presence of the enemy. The ground so gained was not lost, nor Washington again put in danger, until the enemy learned of the orders for the evacuation of the Peninsula, sent to me at Harrison's Bar, and were again left free to advance northward and menace the national capital. Perhaps no one now doubts that the best defence of Washington is a Peninsula attack on Richmond.

My order for the organization of the army corps was issued on the thirteenth of March; it has been given above.

While at Fairfax Court-House on March twelfth, I was informed through the telegraph, by a member of my staff, that the following document had appeared in the *National Intelligencer* of that morning:

[President's War Order No. 3.]

EXECUTIVE MANSION,
WASHINGTON, March 11, 1862. }

Major-General McClellan having personally taken the field at the head of the army of the Potomac, until otherwise ordered, he is relieved from the command of the other military departments, he retaining command of the department of the Potomac.

Ordered further, That the departments now under the respective commands of Generals Halleck and Hunter, together with so much of that under General Buell as lies west of a north and south line indefinitely drawn through Knoxville, Tennessee, be consolidated and designated the department of the Mississippi; and that, until otherwise ordered, Major-General Halleck have command of said department.

S. D. 85.

Ordered also, That the country west of the department of the Potomac and east of the department of the Mississippi be a military department, to be called the Mountain department, and that the same be commanded by Major-General Fremont.

That all the commanders of departments, after the receipt of this order by them, respectively report severally and directly to the Secretary of War, and that prompt, full, and frequent reports will be expected of all and each of them.

ABRAHAM LINCOLN.

Though unaware of the President's intention to remove me from the position of General-in-Chief, I cheerfully acceded to the disposition he saw fit to make of my services, and so informed him in a note on the twelfth of March, in which occur these words:

"I believe I said to you some weeks since, in connection with some western matters, that no feeling of self-interest or ambition should ever prevent me from devoting myself to the service. I am glad to have the opportunity to prove it, and you will find that, under present circumstances, I shall work just as cheerfully as before, and that no consideration of self will in any manner interfere with the discharge of my public duties. Again thanking you for the official and personal kindness you have so often evinced toward me, I am," etc., etc.

On the fourteenth March a reconnoissance of a large body of cavalry with some infantry, under command of General Stoneman, was sent along the Orange and Alexandria Railroad to determine the position of the enemy, and, if possible, force his rear across the Rappahannock, but the roads were in such condition that, finding it impossible to subsist his men, General Stoneman was forced to return after reaching Cedar Run.

The following despatch from him recites the result of this expedition:

HEADQUARTERS, UNION MILLS, }
March 16, 1862. }

We arrived here last evening about dark. We got corn for horses; no provisions for men. Bull Run too high to cross. Had we staid an hour longer we should not have got here to-day, owing to the high water in the streams. Felt the enemy cautiously, and found him in force at Warrenton Junction. Saw two regiments of cavalry and three bodies of infantry on the other side of Cedar Run. Had we crossed, should not have been able to get back for high water. Had three men of Fifth cavalry hit driving in enemy's pickets; one slightly wounded in the head. Enemy acted confidently, and followed us some way back on the road, but did not molest us in any way. Enemy's force consisted of Stuart's and Ewell's cavalry, a battery of artillery, and some infantry. Railroad bridges all burned down up to Warrenton Junction; still entire beyond, but all in readiness to burn at a moment's warning, having dry wood piled upon them. Heard cars running during night before last; probably bringing up troops from Rappahannock. Heard of no

regiments of infantry at Warrenton engaged in impressing the militia and securing forage. Heard of a large force of infantry this side of Rappahannock River, having come up to Warrenton Junction from Acquia Creek day before yesterday. Bridges all destroyed this side of Broad Run. The aids who take this will give you further particulars.

Very respectfully, etc.,

GEORGE STONEMAN,
Brigadier-General Commanding.

Colonel COLBURN.

The main body of the army was, on the fifteenth of March, moved back to the vicinity of Alexandria, to be embarked, leaving a part of General Sumner's corps at Manassas until other troops could be sent to relieve it. Before it was withdrawn a strong reconnoissance, under General Howard, was sent toward the Rappahannock, the result of which appears in the following despatch:

WARRENTON JUNCTION, March 29, 1862.

Express just received from General Howard. He drove the enemy across the Rappahannock bridge, and is now in camp on this bank of and near the Rappahannock River.

The enemy blew up the bridge in his retreat. There was skirmishing during the march, and a few shots exchanged by the artillery, without any loss on our part. Their loss, if any, is not known. General Howard will return to this camp to-morrow morning.

E. V. SUMNER,
Brigadier-General.

General S. WILLIAMS.

The line of the Rappahannock and the Manassas Gap Railroad was thus left reasonably secure from menace by any considerable body of the enemy.

On the thirteenth of March a council of war was assembled at Fairfax Court-House, to discuss the military status. The President's Order Number Three, of March eighth, was considered. The following is a memorandum of the proceedings of the council:

HEADQUARTERS ARMY OF THE POTOMAC,
FAIRFAX COURT-HOUSE, March 13, 1862. }

A council of the generals commanding army corps, at the headquarters of the army of the Potomac, were of the opinion—

I. That the enemy having retreated from Manassas to Gordonsville, behind the Rappahannock and Rapidan, it is the opinion of the generals commanding army corps that the operations to be carried on will be best undertaken from Old Point Comfort, between the York and James Rivers: *Provided,*

1st. That the enemy's vessel, Merrimac, can be neutralized.

2d. That the means of transportation, sufficient for an immediate transfer of the force to its new base, can be ready at Washington and Alexandria to move down the Potomac; and,

3d. That a naval auxiliary force can be had to silence, or aid in silencing, the enemy's batteries on the York River.

4th. That the force to be left to cover Washington shall be such as to give an entire feeling of security for its safety from menace. (Unanimous.)

II. If the foregoing cannot be, the army should then be moved against the enemy, behind the Rappahannock, at the earliest possible moment, and the means for reconstructing bridges, repairing railroads, and stocking them with materials sufficient for supplying the army, should at once be collected, for both the Orange and Alexandria and Acquia and Richmond Railroads. (Unanimous.)

N. B.—That with the forts on the right bank of the Potomac fully garrisoned, and those on the left bank occupied, a covering force in front of the Virginia line of twenty-five thousand men would suffice. (Keyes, Heintzelman, and McDowell.) A total of forty thousand men for the defence of the city would suffice. (Sumner.)

This was assented to by myself, and immediately communicated to the War Department. The following reply was received the same day:

WAR DEPARTMENT, March 13, 1862.

The President having considered the plan of operations agreed upon by yourself and the commanders of army corps, makes no objection to the same, but gives the following directions as to its execution:

1. Leave such force at Manassas Junction as shall make it entirely certain that the enemy shall not repossess himself of that position and line of communication.

2. Leave Washington entirely secure.

3. Move the remainder of the force down the Potomac, choosing a new base at Fortress Monroe, or anywhere between here and there, or, at all events, move such remainder of the army at once in pursuit of the enemy by some route.

EDWIN M. STANTON,
Secretary of War.

Major-General GEORGE B. MCCLELLAN.

My preparations were at once begun in accordance with these directions, and on the sixteenth of March the following instructions were sent to Generals Banks and Wadsworth:

HEADQUARTERS ARMY OF THE POTOMAC, }
March 16, 1862. }

SIR: You will post your command in the vicinity of Manassas, intrench yourself strongly, and throw cavalry pickets well out to the front.

Your first care will be the rebuilding of the railway from Washington to Manassas, and to Strasburgh, in order to open your communications with the valley of the Shenandoah. As soon as the Manassas Gap Railway is in running order, intrench a brigade of infantry, say four regiments, with two batteries, at or near the point where the railway crosses the Shenandoah. Something like two regiments of cavalry should be left in that vicinity to occupy Winchester and thoroughly scour the country south of the railway and up the Shenandoah Valley, as well as through Chester Gap, which might perhaps be advantageously occupied by a detachment of infantry, well

intrenched. Block-houses should be built at all the railway bridges. Occupy by grand guards Warrenton Junction and Warrenton itself, and also some little more advanced point on the Orange and Alexandria Railroad, as soon as the railway bridge is repaired.

Great activity should be observed by the cavalry. Besides the two regiments at Manassas, another regiment of cavalry will be at your disposal, to scout toward the Occoquan, and probably a fourth toward Leesburgh.

To recapitulate, the most important points which should engage your attention are as follows:

1. A strong force, well intrenched, in the vicinity of Manassas, perhaps even Centreville, and another force, (a brigade,) also well intrenched, near Strasburgh.

2. Block-houses at the railway bridges.

3. Constant employment of the cavalry well to the front.

4. Grand guards at Warrenton Junction and in advance, as far as the Rappahannock, if possible.

5. Great care to be exercised to obtain full and early information as to the enemy.

6. The general object is to cover the line of the Potomac and Washington.

The above is communicated by command of Major-General McClellan.

S. WILLIAMS,
Assistant Adjutant-General.

Major-General N. P. BANKS,
Commanding Fifth Corps, Army of the Potomac.

HEADQUARTERS ARMY OF THE POTOMAC, }
March 16, 1862.

SIR: The command to which you have been assigned, by instructions of the President, as Military Governor of the District of Columbia, embraces the geographical limits of the District, and will also include the city of Alexandria, the defensive works south of the Potomac, from the Occoquan to Difficult Creek, and the post of Fort Washington.

I inclose a list of the troops and of the defenses embraced in these limits.

General Banks will command at Manassas Junction, with the divisions of Williams and Shields, composing the Fifth corps, but you should, nevertheless, exercise vigilance in your front, carefully guard the approaches in that quarter, and maintain the duties of advanced-guards. You will use the same precautions on either flank.

All troops not actually needed for the police of Washington and Georgetown, for the garrisons north of the Potomac, and for other indicated special duties, should be moved to the south side of the river.

In the centre of your front you should post the main body of your troops, and proper proportions at suitable distances toward your right and left flanks. Careful patrols will be made, in order thoroughly to scour the country in front, from right to left.

It is specially enjoined upon you to maintain

the forts and their armaments in the best possible order, to look carefully to the instruction and discipline of their garrisons, as well as all other troops under your command, and, by frequent and rigid inspections, to insure the attainment of these ends.

The care of the railways, canals, depots, bridges, and ferries within the above-named limits, will devolve upon you, and you are to insure their security and provide for their protection by every means in your power. You will also protect the depots of the public stores and the transit of stores to troops in active service.

By means of patrols you will thoroughly scour the neighboring country, south of the Eastern Branch, and also on your right, and you will use every possible precaution to intercept mails, goods, and persons passing unauthorized to the enemy's lines.

The necessity of maintaining good order within your limits, and especially in the capital of the nation, cannot be too strongly enforced.

You will forward and facilitate the movement of all troops destined for the active part of the army of the Potomac, and especially the transit of detachments to their proper regiments and corps.

The charge of the new troops arriving in Washington, and of all troops temporarily there, will devolve upon you. You will form them into provisional brigades, promote their instruction and discipline, and facilitate their equipment. Report all arrivals of troops, their strength, composition, and equipment, by every opportunity.

Besides the regular reports and returns, which you will be required to render to the Adjutant-General of the army, you will make to these headquarters a consolidated report of your command, every Sunday morning, and monthly returns on the first day of each month.

The foregoing instructions are communicated by command of Major-General McClellan.

S. WILLIAMS,
Assistant Adjutant-General.
Brigadier-General J. S. WADSWORTH,
Military Governor of the District of Columbia.

The Secretary of War had expressed a desire that I should communicate to the War Department my designs with regard to the employment of the army of the Potomac in an official form. I submitted, on the nineteenth of March, the following:

HEADQUARTERS ARMY OF THE POTOMAC,
THEOLOGICAL SEMINARY, VA., March 19, 1862. }

SIR: I have the honor to submit the following notes on the proposed operations of the active portion of the army of the Potomac.

The proposed plan of campaign is to assume Fort Monroe as the first base of operations, taking the line of Yorktown and West-Point upon Richmond as the line of operations, Richmond being the objective point. It is assumed that the fall of Richmond involves that of Norfolk and the whole of Virginia; also, that we shall fight a decisive battle between West-Point and Richmond, to give which battle the rebels will

concentrate all their available forces, understanding, as they will, that it involves the fate of their cause. It therefore follows—

1st. That we should collect all our available forces and operate upon adjacent lines, maintaining perfect communication between our columns.

2d. That no time should be lost in reaching the field of battle.

The advantages of the peninsula between York and James rivers are too obvious to need explanation; it is also clear that West-Point should as soon as possible be reached, and used as our main depot, that we may have the shortest line of land transportation for our supplies, and the use of the York River.

There are two methods of reaching this point—

1st. By moving directly from Fort Monroe as a base, and trusting to the roads for our supplies, at the same time landing a strong corps as near Yorktown as possible, in order to turn the rebel lines of defence south of Yorktown; then to reduce Yorktown and Gloucester by a siege, in all probability involving a delay of weeks perhaps.

2d. To make a combined naval and land attack upon Yorktown, the first object of the campaign. This leads to the most rapid and decisive results. To accomplish this, the navy should at once concentrate upon the York River all their available and most powerful batteries: its reduction should not in that case require many hours. A strong corps would be pushed up the York, under cover of the navy, directly upon West-Point, immediately upon the fall of Yorktown, and we could at once establish our new base of operations at a distance of some twenty-five miles from Richmond, with every facility for developing and bringing into play the whole of our available force on either or both banks of the James.

It is impossible to urge too strongly the absolute necessity of the full coöperation of the navy as a part of this programme. Without it the operations may be prolonged for many weeks, and we may be forced to carry in front several strong positions which by their aid could be turned without serious loss of either time or men.

It is also of first importance to bear in mind the fact already alluded to, that the capture of Richmond necessarily involves the prompt fall of Norfolk, while an operation against Norfolk, if successful, as the beginning of the campaign, facilitates the reduction of Richmond merely by the demoralization of the rebel troops involved, and that after the fall of Norfolk we should be obliged to undertake the capture of Richmond by the same means which would have accomplished it in the beginning, having meanwhile afforded the rebels ample time to perfect their defensive arrangements, for they would well know, from the moment the army of the Potomac changed its base to Fort Monroe, that Richmond must be its ultimate object.

It may be summed up in a few words, that, for the prompt success of this campaign, it is absolutely necessary that the navy should at once

throw its whole available force, its most powerful vessels, against Yorktown. There is the most important point—there the knot to be cut. An immediate decision upon the subject-matter of this communication is highly desirable, and seems called for by the exigencies of the occasion.

I am, sir, very respectfully, your obedient servant,
GEORGE B. MCCLELLAN,
Major-General.

Hon. E. M. STANTON,
Secretary of War.

In the mean time the troops destined to form the active army were collected in camps convenient to the points of embarkation, and every preparation made to embark them as rapidly as possible when the transports were ready.

A few days before sailing for Fort Monroe, while still encamped near Alexandria, I met the President, by appointment, on a steamer. He there informed me that he had been strongly pressed to take General Blenker's division from my command and give it to General Fremont. His Excellency was good enough to suggest several reasons for not taking Blenker's division from me. I assented to the force of his suggestions, and was extremely gratified by his decision to allow the division to remain with the army of the Potomac. It was therefore with surprise that I received, on the thirty-first, the following note:

EXECUTIVE MANSION,
WASHINGTON, March 31, 1862. }

MY DEAR SIR: This morning I felt constrained to order Blenker's division to Fremont, and I write this to assure you that I did so with great pain, understanding that you would wish it otherwise. If you could know the full pressure of the case, I am confident that you would justify it, even beyond a mere acknowledgment that the Commander-in-Chief may order what he pleases.

Yours, very truly,

A. LINCOLN.

Major-General McCLELLAN.

To this I replied, in substance, that I regretted the order, and could ill afford to lose ten thousand troops which had been counted upon in forming my plan of campaign, but as there was no remedy, I would yield, and do the best I could without them. In a conversation with the President a few hours afterward I repeated verbally the same thing, and expressed my regret that Blenker's division had been given to General Fremont from any pressure other than the requirements of the national exigency. I was partially relieved, however, by the President's positive and emphatic assurance that I might be confident that no more troops beyond these ten thousand should in any event be taken from me, or in any way detached from my command.

At the time of the evacuation of Manassas by the enemy, Jackson was at Winchester, our forces occupying Charlestown, and Shields's reaching Bunker Hill on the eleventh. On the morning of the twelfth, a brigade of General Banks's troops, under General Hamilton, entered Winchester, the enemy having left at five o'clock the evening be-

fore, his rear-guard of cavalry leaving an hour before our advance entered the place. The enemy having made his preparations for evacuation some days before, it was not possible to intercept his retreat. On the thirteenth the mass of Banks's corps was concentrated in the immediate vicinity of Winchester, the enemy being in the rear of Strasburgh.

On the nineteenth General Shields occupied Strasburgh, driving the enemy twenty miles south to Mount Jackson.

On the twentieth the first division of Banks's corps commenced its movement toward Manassas, in compliance with my letter of instructions of the sixteenth.

Jackson probably received information of this movement, and supposed that no force of any consequence was left in the vicinity of Winchester, and upon the falling back of Shields to that place, for the purpose of enticing Jackson in pursuit, the latter promptly followed, whereupon ensued a skirmish on the twenty-second, in which General Shields was wounded, and an affair at Winchester on the twenty-third resulting in the defeat of Jackson, who was pursued as rapidly as the exhaustion of our troops and the difficulty of obtaining supplies permitted. It is presumed that the full reports of the battle of Winchester were forwarded direct to the War Department by General Banks.

It being now clear that the enemy had no intention of returning by the Manassas route, the following letter of April first was written to General Banks:

HEADQUARTERS ARMY OF THE POTOMAC, }
ON BOARD THE COMMODORE, April 1, 1862. }

GENERAL: The change in affairs in the valley of the Shenandoah has rendered necessary a corresponding departure, temporarily at least, from the plan we some days since agreed upon.

In my arrangements I assume that you have with you a force amply sufficient to drive Jackson before you, provided he is not reinforced largely. I also assume that you may find it impossible to detach any thing toward Manassas for some days, probably not until the operations of the main army have drawn all the rebel force toward Richmond.

You are aware that General Sumner has for some days been at Manassas Junction with two divisions of infantry, six batteries, and two regiments of cavalry, and that a reconnoissance to the Rappahannock forced the enemy to destroy the railway bridge at Rappahannock Station, on the Orange and Alexandria Railroad. Since that time our cavalry have found nothing on this side the Rappahannock in that direction, and it seems clear that we have no reason to fear any return of the rebels in that quarter. Their movements near Fredericksburgh also indicate a final abandonment of that neighborhood. I doubt whether Johnston will now reinforce Jackson with a view of offensive operations. The time is probably passed when he could have gained any thing by doing so. I have ordered in one of Sumner's divisions (that of Richardson, late Sum-

ner's) to Alexandria for embarkation. Blenker's has been detached from the army of the Potomac and ordered to report to General Fremont.

Abercrombie is probably at Warrenton Junction to-day. Geary is at White Plains.

Two regiments of cavalry have been ordered out, and are now on the way to relieve the two regiments of Sumner.

Four thousand infantry and one battery leave Washington at once for Manassas. Some three thousand more will move in one or two days, and soon after some three thousand additional.

I will order Blenker to march on Strasburgh and to report to you for temporary duty, so that should you find a large force in your front you can avail yourself of his aid as soon as possible. Please direct him to Winchester, thence to report to the Adjutant-General or the army for orders; but keep him until you are sure what you have in front.

In regard to your own movements, the most important thing at present is to throw Jackson well back, and then to assume such a position as to enable you to prevent his return. As soon as the railway communications are reestablished it will be probably important and advisable to move on Staunton, but this would require secure communications, and a force of from twenty-five thousand to thirty thousand for active operations. It should also be nearly coincident with my own move on Richmond, at all events not so long before it as to enable the rebels to concentrate on you, and then return on me. I fear that you cannot be ready in time, although it may come in very well with a force less than that I have mentioned, after the main battle near Richmond. When General Sumner leaves Warrenton Junction, General Abercrombie will be placed in immediate command of Manassas and Warrenton Junction, under your general orders. Please inform me frequently by telegraph and otherwise as to the state of things in your front.

I am very truly yours,

GEORGE B. McCLELLAN,

Major-General Commanding.

Major-General N. P. BANKS,
Commanding Fifth Corps.

P. S.—From what I have just learned, it would seem that the regiments of cavalry intended for Warrenton Junction have gone to Harper's Ferry. Of the four additional regiments placed under your orders, two should as promptly as possible move by the shortest route on Warrenton Junction.

I am sir, very respectfully, your obedient servant,

GEORGE B. McCLELLAN,
Major-General Commanding.

This letter needs no further explanation than to say that it was my intention, had the operations in that quarter remained under my charge, either to have resumed the defensive position marked out in the letter of March sixteenth, or to have advanced General Banks upon Staunton as might in the progress of events seem advisable. It is to be remembered that when I wrote the

preceding and following letters of April first I had no expectation of being relieved from the charge of the operations in the Shenandoah Valley, the President's War Order No. 3 giving no intimation of such an intention, and that so far as reference was made to final operations after driving Jackson back and taking such a position as to prevent his return, no positive orders were given in the letter, the matter being left for future consideration, when the proper time arrived for a decision.

From the following letter to the Adjutant-General, dated April first, 1862, it will be seen that I left for the defence of the national capital and its approaches, when I sailed for the Peninsula, seventy-three thousand four hundred and fifty-six men, with one hundred and nine pieces of light artillery, including the thirty-two pieces in Washington alluded to, but not enumerated in my letter to the Adjutant-General. It will also be seen that I recommended other available troops in New-York (more than four thousand) to be at once ordered forward to reinforce them.

HEADQUARTERS ARMY OF THE POTOMAC, }
STEAMER COMMODORE, April 1, 1862.

GENERAL: I have to request that you will lay the following communication before the Hon. Secretary of War.

The approximate numbers and positions of the troops left near and in rear of the Potomac are as follows:

General Dix has, after guarding the railroads under his charge, sufficient to give him five thousand for the defence of Baltimore, and one thousand nine hundred and eighty-eight available for the Eastern shore, Annapolis, etc. Fort Delaware is very well garrisoned by about four hundred men.

The garrisons of the forts around Washington amount to ten thousand six hundred men; other disposable troops now with General Wadsworth about eleven thousand four hundred men.

The troops employed in guarding the various railways in Maryland amount to some three thousand three hundred and fifty-nine men. These it is designed to relieve, being old regiments, by dismounted cavalry, and to send forward to Manassas.

General Abercrombie occupies Warrenton with a force, which, including Colonel Geary, at White Plains, and the cavalry to be at his disposal, will amount to some seven thousand seven hundred and eighty men, with twelve pieces of artillery.

I have the honor to request that all the troops organized for service in Pennsylvania and New-York, and in any of the Eastern States, may be ordered to Washington. I learn from Governor Curtin that there are some three thousand five hundred men now ready in Pennsylvania. This force I should be glad to have sent to Manassas. Four thousand men from General Wadsworth I desire to be ordered to Manassas. These troops, with the railroad guards above alluded to, will make up a force under the command of General

Abercrombie of something like eighteen thousand six hundred and thirty-nine men.

It is my design to push General Blenker's division from Warrenton upon Strasburgh. He should remain at Strasburgh long enough to allow matters to assume a definite form in that region before proceeding to his ultimate destination.

The troops in the valley of the Shenandoah will thus, including Blenker's division, ten thousand and twenty-eight strong, with twenty-four pieces of artillery; Banks's Fifth corps, which embraces the command of General Shields, nineteen thousand six hundred and eighty-seven strong, with forty-one guns, some three thousand six hundred and fifty-two disposable cavalry, and the railroad guards, about two thousand one hundred men, amount to about thirty-five thousand four hundred and sixty-seven men.

It is designed to relieve General Hooker by one regiment, say eight hundred and fifty men, being, with some five hundred cavalry, one thousand three hundred and fifty men on the Lower Potomac.

To recapitulate: At Warrenton there is to be,..... 7780 men
At Manassas, say,..... 10,859 "
In the valley of the Shenandoah,.... 35,467 "
On the Lower Potomac,..... 1,350 "

In all,..... 55,456 "

There would thus be left for the garrisons and the front of Washington, under General Wadsworth, some eighteen thousand, inclusive of the batteries under instruction. The troops organizing or ready for service in New-York, I learn, will probably number more than four thousand. These should be assembled at Washington, subject to disposition where their services may be most required,

I am, very respectfully, your obedient servant,
GEORGE B. McCLELLAN,
Major-General Commanding.

Brig.-General L. THOMAS,
Adjutant-General United States Army.

The following letter from General Barry shows that thirty-two (32) field-guns, with men, horses, and equipments, were also left in Washington City when the army sailed. These were the batteries under instruction referred to above:

HEADQUARTERS INSPECTOR OF ARTILLERY, }
WASHINGTON, December 16, 1862.

GENERAL: It having been stated in various public prints, and in a speech of Senator Chandler, of Michigan, in his place in the United States Senate, quoting what he stated to be a portion of the testimony of Brigadier-General Wadsworth, Military Governor of Washington, before the joint Senate and House committee on the conduct of the war, that Major-General McClellan had left an insufficient force for the defence of Washington, and *not a gun on wheels*.

I have to contradict this charge as follows:

From official reports made at the time to me, (the Chief of Artillery of the army of the Poto-

mac.) and now in my possession, by the commanding officer of the light artillery troops left in camp in the city of Washington by your orders, it appears that the following named field batteries were left:

Battery C, First New-York artillery, Captain Barnes, two guns; battery K, First New-York artillery, Captain Crounse, six guns; battery L, Second New-York artillery, Captain Robinson, six guns; Ninth New-York independent battery, Captain Monzordi, six guns; Sixteenth New-York independent battery, Captain Locke; battery A, Second battalion New-York artillery, Captain Hogan, six guns; battery B, Second battalion New-York artillery, Captain McMahon, six guns; total of batteries, thirty-two guns.

With the exception of a few horses which could have been procured from the quartermaster's department in a few hours, the batteries were all fit for immediate service, excepting the Sixteenth New-York battery, which having been previously ordered, on General Wadsworth's application, to report to him for special service, was unequipped with either guns or horses.

I am, General, very respectfully,

Your obedient servant,

W. F. BARRY,

Brig.-Gen. Inspector of Artillery United States Army.

Major-General McCLELLAN,
United States Army.

It is true that Blenker's division, which is included in the force enumerated by me, was under orders to reinforce General Fremont, but the following despatch from the Secretary of War, dated March thirty-first, 1862, will show that I was authorized to detain him at Strasburgh until matters assumed a definite form in that region, before proceeding to his ultimate destination; in other words, until Jackson was disposed of. And had he been detained there, instead of moving on to Harper's Ferry and Franklin, under other orders, it is probable that General Banks would have defeated Jackson, instead of being himself obliged subsequently to retreat to Williamsport.

WAR DEPARTMENT,
WASHINGTON, D. C., March 31, 1862. }

The order in respect to Blenker is not designed to hinder or delay the movement of Richardson, or any other force. He can remain wherever you desire him as long as required for your movements, and in any position you desire. The order is simply to place him in position for reinforcing Fremont, as soon as your dispositions will permit, and he may go to Harper's Ferry by such route and at such time as you shall direct. State your own wishes as to the movement, when and how it shall be made.

EDWIN M. STANTON,
Secretary of War.

Major-General McCLELLAN.

Without including General Blenker's division, there were left sixty-seven thousand four hundred and twenty-eight men and eighty-five pieces of light artillery, which, under existing circumstances, I deemed more than adequate to insure

the perfect security of Washington against any force the enemy could bring against it, for the following reasons:

The light troops I had thrown forward under General Stoneman in pursuit of the rebel army, after the evacuation of Manassas and Centreville, had driven their rear-guard across Cedar Run, and subsequent expeditions from Sumner's corps had forced them beyond the Rappahannock. They had destroyed all the railroad bridges behind them, thereby indicating that they did not intend to return over that route. Indeed, if they had attempted such a movement, their progress must have been slow and difficult, as it would have involved the reconstruction of the bridges; and if my orders for keeping numerous cavalry patrols well out to the front, to give timely notice of any approach of the enemy, had been strictly enforced, (and I left seven regiments of cavalry for this express purpose,) they could not by any possibility have reached Washington before there would have been ample time to concentrate the entire forces left for its defence, as well as those at Baltimore, at any necessary point.

It was clear to my mind, as I reiterated to the authorities, that the movement of the army of the Potomac would have the effect to draw off the hostile army from Manassas to the defence of their capital, and thus free Washington from menace. This opinion was confirmed the moment the movement commenced, or rather as soon as the enemy became aware of our intentions; for with the exception of Jackson's force of some fifteen thousand, which his instructions show to have been intended to operate in such a way as to prevent McDowell's corps from being sent to reinforce me, no rebel force of any magnitude made its appearance in front of Washington during the progress of our operations on the Peninsula; nor until the order was given for my return from Harrison's Landing was Washington again threatened.

Surrounded, as Washington was, with numerous and strong fortifications, well garrisoned, it was manifest that the enemy could not afford to detach from his main army a force sufficient to assail them.

It is proper to remark, that just previous to my departure for Fort Monroe, I sent my Chief of Staff to General Hitchcock, who at that time held staff relations with His Excellency the President and the Secretary of War, to submit to him a list of the troops I proposed to leave for the defence of Washington, and the positions in which I designed posting them. General Hitchcock, after glancing his eye over the list, observed that he was not the judge of what was required for defending the capital; that General McClellan's position was such as to enable him to understand the subject much better than he did, and he presumed that if the force designated was, in his judgment, sufficient, nothing more would be required. He was then told by the Chief of Staff that I would be glad to have his opinion, as an old and experienced officer; to

this he replied, that as I had had the entire control of the defences for a long time, I was the best judge of what was needed, and he declined to give any other expression of opinion at that time.

On the second of April, the day following my departure for Fort Monroe, Generals Hitchcock and Thomas were directed by the Secretary of War to examine and report whether the President's instructions to me, of March eighth and thirteenth had been complied with; on the same day their report was submitted, and their decision was—

That the requirement of the President, that this city (Washington) shall be left entirely secure, has not been fully complied with.

The President, in his letter to me on the ninth of April, says: "And now allow me to ask, do you really think I should permit the line from Richmond, *via* Manassas Junction, to this city, to be entirely open, except what resistance could be presented by less than twenty thousand unorganized troops."

In the report of Generals Hitchcock and Thomas, alluded to, it is acknowledged that there was no danger of an attack from the direction of Manassas, in these words: "In regard to occupying Manassas Junction, as the enemy have destroyed the railroads leading to it, it may be fair to assume that they have no intention of returning for the reoccupation of their late position, and therefore no large force would be necessary to hold that position."

That, as remarked before, was precisely the view I took of it, and this was enforced by the subsequent movements of the enemy.

In another paragraph of the report it is stated that fifty-five thousand men was the number considered adequate for the defence of the capital. That General McClellan, in his enumeration of the forces left, had included Banks's army corps, operating in the Shenandoah Valley, but whether this corps should be regarded as available for the protection of Washington, they decline to express an opinion.

At the time this report was made, the only enemy on any approach to Washington was Jackson's force, in front of Banks in the Shenandoah Valley, with the Manassas Gap Railroad leading from this valley to Washington; and it will be admitted, I presume, that Banks, occupying the Shenandoah Valley, was in the best position to defend not only that approach to Washington, but the roads to Harper's Ferry and above.

The number of troops left by me for the defence of Washington, as given in my letter to the Adjutant-General, were taken from the latest official returns of that date, and these, of course, constituted the most trustworthy and authentic source from which such information could be obtained.

Another statement made by General Hitchcock before the "Committee on the Conduct of the War," in reference to this same order, should be noticed. He was asked the following question: "Do you understand now that the movement made by General McClellan to Fort Monroe, and

up the York River, was in compliance with the recommendation of the council of generals commanding corps, and held at Fairfax Court-House on the thirteenth of March last, or in violation of it?"

To which he replied as follows: "I have considered, and do now consider, that it was in violation of the recommendation of that council in two important particulars; one particular being that portion of this report which represents the council as agreeing to the expedition by way of the Peninsula, *provided* the rebel steamer Merrimac could first be neutralized. That important provision General McClellan disregarded."

The second particular alluded to by General Hitchcock was in reference to the troops left for the defence of Washington, which has been disposed of above.

In regard to the steamer Merrimac, I have also stated that, so far as our operations on York River were concerned, the power of this vessel was neutralized. I now proceed to give some of the evidence which influenced me in coming to that conclusion.

Previous to our departure for the Peninsula, Mr. Watson, Assistant Secretary of War, was sent by the President to Fort Monroe to consult with Flag-Officer Goldsborough upon this subject. The result of that consultation is contained in the following extract from the evidence of Admiral Goldsborough before the "Committee on the Conduct of the War," namely: "I told Mr. Watson, Assistant Secretary of War, that the President might make his mind perfectly easy about the Merrimac going up York River; that she could never get there, for I had ample means to prevent that."

Captain G. V. Fox, Assistant Secretary of the Navy, testifies before the committee as follows:

"General McClellan expected the navy to neutralize the Merrimac, and I promised that it should be done."

General Keyes, commanding Fourth army corps, testifies as follows before the committee:

"During the time that the subject of the change of base was discussed, I had refused to consent to the Peninsula line of operations until I had sent word to the Navy Department and asked two questions: First, whether the Merrimac was certainly neutralized, or not? Second, whether the navy was in a condition to coöperate efficiently with the army to break through between Yorktown and Gloucester Point? To both of these, answers were returned in the affirmative; that is, the Merrimac was neutralized, and the navy was in a condition to coöperate efficiently to break through between Yorktown and Gloucester Point."

Before starting for the Peninsula, I instructed Lieutenant-Colonel B. S. Alexander, of the United States corps of engineers, to visit Manassas Junction and its vicinity for the purpose of determining upon the defensive works necessary to enable us to hold that place with a small force. The accompanying letters from Colonel Alexander will

show what steps were taken by him to carry into effect this important order.

I regret to say that those who succeeded me in command of the region in front of Washington, whatever were the fears for its safety, did not deem it necessary to carry out my plans and instructions to them. Had Manassas been placed in condition for a strong defence, and its communications secured as recommended by Colonel Alexander, the result of General Pope's campaign would probably have been different.

WASHINGTON, D. C., April 2, 1862.

SIR: You will proceed to Manassas at as early a moment as practicable and mark on the ground the works for the defence of that place, on the positions which I indicated to you yesterday. You will find two carpenters, experienced in this kind of work, ready to accompany you, by calling on Mr. Dougherty, the master carpenter of the Treasury extension.

The general idea of the defence of this position is, to occupy the fringe of elevation which lies about half-way between Manassas depot and the junction of the railroad, with a series of works open to the rear, so that they may be commanded by the work hereafter to be described.

There will be at least four of these works, three of them being on the left of the railroad leading from Alexandria, at the positions occupied by the enemy's works. The other on the right of this road, on the position we examined yesterday. The works of the enemy to the north of this latter position, numbered One and Two, on Lieutenant Comstock's sketch, may also form a part of the front line of our defence; but the sides of those works looking toward Manassas Station should be levelled, so that the interior of the works may be seen from the latter position.

Embrasures should be arranged in all these works for field-artillery. The approaches should be such that a battery can drive into the works. The number of embrasures in each battery will depend upon its size and the ground to be commanded. It is supposed there will be from four to eight embrasures in each battery.

The other works of the enemy looking toward the east and south may be strengthened so as to afford sufficient defence in these directions. The work Number Three in Lieutenant Comstock's sketch may be also strengthened and arranged for field-artillery, when time will permit. This work is in a good position to cover a retreat, which would be made down the valley in which the railroad runs toward Bull Run.

At Manassas Station there should be a fort constructed. The railroad will pass through this fort, and the depot, if there should be one built, should be placed in its rear. This latter work should be regarded as the key to the position. It should be as large as the nature of the ground will permit.

By going down the slopes, which are not steep, it may be made large enough to accommodate two thousand or three thousand men. The top of the position need not be cut away; it will be

better to throw up the earth into a large traverse, which may also be a bomb-proof. Its profile should be strong, and its ditches should be flanked. It should receive a heavy armament of twenty-four or thirty-two-pounders, with some rifled (Parrott) twenty or thirty-pounders. Its guns should command all the exterior works, so that these works could be of no use to the enemy, should he take them. In accommodating the fort to the ground this consideration should not be lost sight of.

After tracing these works on the ground, you will make a sketch embracing the whole of them, showing their relative positions and size. This sketch should embrace the junction of the railroads and the ground for some distance around the main work. It need not be made with extreme accuracy. The distances may be paced, or measured, with a tape-line. The bearings may be taken by compass.

Having located the works and prepared your sketch, you will report to Captain Frederick E. Prime, of the corps of engineers, who will furnish you the means of construction.

It is important that these works should be built with the least possible delay. You will, therefore, expedite matters as fast as possible.

Very respectfully, your obedient servant,

B. S. ALEXANDER,

Lieutenant-Colonel, Aid-de-Camp.

Captain FRED. R. MUNTHER, Present.

WASHINGTON, April 6, 1862.

SIR: I inclose you herewith a copy of the instructions which I gave to Captain Munther, in reference to the defences of Manassas.

As there has been a new department created, (that of the Rappahannock,) it is possible that you and I, as well as General McClellan, are relieved from the further consideration of this subject at the present time.

I will, however, state for your information, should the subject ever come before you again, that in my opinion the communication with Manassas by land should be secured.

To effect this in the best manner, so far as my observations extended, I think the bridge over Bull Run, near Union Mills, and just above the railroad bridge, should be rebuilt or thoroughly repaired, and that a small work, or two or three open batteries, should be erected on the adjacent heights to protect it as well as the railroad bridge.

The communication by land would then be through or near Centreville, over the road used by the enemy.

I write this for fear something should detain me here; but I hope to leave here to join you to-morrow. My health is much improved.

Very respectfully, your obedient servant,

B. S. ALEXANDER,

Lieutenant-Colonel, Aid-de-Camp.

Brigadier-General J. G. BARNARD,

Chief Engineer, Army of the Potomac.

I may be permitted also to mention that the plans (also unexecuted by my successor) indicated in my letter of instructions to General

Banks, dated March sixteenth, 1862, for intrenching Chester Gap and the point where the Manassas Railroad crosses the Shenandoah, were for the purpose of preventing even the attempt of such a raid as that of Jackson in the month of May following.

MILITARY INCIDENTS OF THE FIRST PERIOD.

Before taking up the history of the embarkation and Peninsula campaign, I should remark that during the fall and winter of 1861-'62, while the army of the Potomac was in position in front of Washington, reconnaissances were made from time to time, and skirmishes frequently occurred, which were of great importance in the education of the troops, accustoming them to the presence of the enemy, and giving them confidence under fire. There were many instances of individual gallantry displayed in these affairs; the reports of them will be found among the documents which accompany this report.

One of the most brilliant of these affairs was that which took place at Drainsville, on December twentieth, 1861, when the Third brigade of McCall's division, under Brigadier-General E. O. C. Ord, with Easton's battery, routed and pursued four regiments of infantry, one of cavalry, and a battery of six pieces.

The operations of Brigadier-General F. W. Lander on the Upper Potomac, during the months of January and February, 1862, frustrated the attempts of General Jackson against the Baltimore and Ohio Railroad, Cumberland, etc., and obliged him to fall back to Winchester. His constitution was impaired by the hardships he had experienced, and on the second March the fearless General Lander expired, a victim to the excessive fatigue of the campaign.

SECOND PERIOD.

CHAPTER I.

THE council composed of the four corps commanders, organized by the President of the United States, at its meeting on the thirteenth of March, adopted Fort Monroe as the base of operations for the movement of the army of the Potomac upon Richmond. For the prompt and successful execution of the projected operation, it was regarded by all as necessary that the whole of the four corps should be employed, with at least the addition of ten thousand men drawn from the forces in the vicinity of Fortress Monroe, that position and its dependencies being regarded as amply protected by the naval force in its neighborhood, and the advance of the main army up the Peninsula, so that it could be safely left with a small garrison.

In addition to the land forces, the coöperation of the navy was desired in the projected attack upon the batteries at Yorktown and Gloucester, as well as in controlling the York and James Rivers for the protection of our flanks, and the use of the transports bringing supplies to the army. With these expectations, and for reasons stated elsewhere in this report, my original plan of

moving by Urbana and West-Point was abandoned, and the line with Fort Monroe as a base adopted. In the arrangements for the transportation of the army to the Peninsula by water, the vessels were originally ordered to rendezvous mainly at Annapolis; but upon the evacuation of Manassas and the batteries of the Lower Potomac by the enemy, it became more convenient to embark the troops and material at Alexandria, and orders to that effect were at once given.

In making the preliminary arrangements for the movement, it was determined that the First corps, General McDowell's, should move as a unit first, and effect a landing either at the Sand-box, some four miles south of Yorktown, in order to turn all the enemy's defences at Ship Point, Howard's Bridge, Big Bethel, etc., or else, should existing circumstances render it preferable, land on the Gloucester side of the York River, and move on West-Point.

The transports, however, arrived slowly and few at a time. In order, therefore, to expedite matters, I decided to embark the army by divisions, as transports arrived, keeping army corps together as much as much as possible, and to collect the troops at Fort Monroe. In determining the order of embarkation, convenience and expedition were especially consulted, except that the First corps was to be embarked last, as I intended to move it in mass to its point of disembarkation, and to land it on either bank of the York, as might then be determined.

On the seventeenth of March Hamilton's division, of the Third corps, embarked at Alexandria and proceeded to Fort Monroe, with the following orders:

WASHINGTON, D. C., March 17, 1862.

You will, on your arrival at Fort Monroe, report to General Wool and request him to assign you ground for encamping your division. You will remain at Fort Monroe until further orders from General McClellan. Should General Wool require the services of your division in repelling an attack, you will obey his orders and use every effort to carry out his views.

General C. S. HAMILTON,
Commanding Division.

R. B. MARCY,
Chief of Staff.

On the twenty-second of March, as soon as transportation was ready, General Fitz-John Porter's division, of the same corps, embarked. General Heintzelman was ordered to accompany it, under the following instructions:

HEADQUARTERS ARMY OF THE POTOMAC, }
SEMINARY, March 22, 1862.

GENERAL: Upon the disembarkation of Porter's division at Fort Monroe, I have to request that you will move your two divisions, Porter's and Hamilton's, some three or four miles out from the Fort to find good camping places, where wood and water can be readily obtained, and where your positions will be good in a defensive point of view. You may find it advisable to place one division on or near the road leading to Yorktown from Newport News—the other upon

that leading to Yorktown direct from Fort Monroe. If you find that the nature of the country will permit easy communication and mutual support between the two divisions, it will be best to place one on each road. It will be best to remain pretty near the Fort for the present, in order to give the impression that our object is to attack Norfolk rather than Yorktown. You will do well, however, to push strong reconnoissances well to the front to ascertain the position of the enemy and his pickets. I will, as soon as possible, reinforce you by the Third division of your corps, and it is probable that a part or the whole of the Fourth corps will also move from Fort Monroe. This will probably be determined before your disembarkation is completed, and you will be informed accordingly.

My desire would be to make no important move in advance until we are fully prepared to follow it up and give the enemy no time to recover.

The Quartermaster of your corps will receive detailed instructions in regard to land transportation from General Van Vliet.

It will be advisable to mobilize your corps with the least possible delay, and have it prepared for an advance. I have directed extra clothing, ammunition, etc., to be sent to Fort Monroe, so that all deficiencies may be supplied without delay.

Please report to me frequently and fully the condition of things on the new field of operations, and whatever intelligence you gain as to the enemy.

Engage guides in sufficient numbers at once, and endeavor to send out spies.

I am very truly, yours,

GEO. B. McCLELLAN,
Major-General Commanding.
BRIGADIER-GENERAL S. P. HEINTZELMAN,
Commanding Third Corps.

The remaining divisions embarked as rapidly as transports could be supplied.

On the first of April I embarked with the headquarters on the steamer Commodore, and reached Fort Monroe on the afternoon of the second.

In consequence of the delay in the arrival of the horse transports at Alexandria, but a small portion of the cavalry had arrived, and the artillery reserve had not yet completed its disembarkation.

I found there the Third Pennsylvania cavalry and the Fifth regular cavalry; the Second regular cavalry and a portion of the First had arrived, but not disembarked. So few wagons had arrived that it was not possible to move Casey's division at all for several days, while the other divisions were obliged to move with scant supplies.

As to the force and position of the enemy the information then in our possession was vague and untrustworthy. Much of it was obtained from the staff-officers of General Wool, and was simply to the effect that Yorktown was surrounded by a continuous line of earth-works, with

strong water-batteries on the York River, and garrisoned by not less than fifteen thousand troops, under command of General J. B. Magruder. Maps, which had been prepared by the topographical engineers under General Wool's command, were furnished me, in which the Warwick River was represented as flowing parallel to, but not crossing, the road from Newport News to Williamsburgh, making the so-called Mulberry Island a real island; and we had no information as to the true course of the Warwick across the Peninsula, nor of the formidable line of works which it covered.

Information which I had collected during the winter placed General Magruder's command at from fifteen thousand to twenty thousand men, independently of General Huger's force at Norfolk, estimated at about fifteen thousand.

It was also known that there were strong defensive works at or near Williamsburgh.

Knowing that General Huger could easily spare some troops to reinforce Yorktown, that he had indeed done so, and that Johnston's army of Manassas could be brought rapidly by the James and York Rivers to the same point, I proposed to invest that town without delay.

The accompanying map of Colonel Cram, U. S. Topographical Engineers, attached to General Wool's staff, given to me as the result of several months' labor, indicated the feasibility of the design. It was also an object of primary importance to reach the vicinity of Yorktown before the enemy was reinforced sufficiently to enable him to hold in force his works at Big Bethel, Howard's Bridge, Ship Point, etc., on the direct road to Yorktown and Young's Mills, on the road from Newport News. This was the more urgent, as it was now evident that some days must elapse before the First corps could arrive.

Every thing possible was done to hasten the disembarkation of the cavalry, artillery, and wagons in the harbor; and on the third the orders of march were given for the following day. There were at Fort Monroe and in its vicinity on the third, ready to move, two divisions of the Third corps, two divisions of the Fourth corps, and one division of the Second corps, and Sykes's brigade of regular infantry, together with Hunt's artillery reserve, and the regiments of cavalry before named, in all about fifty-eight thousand men and one hundred guns, besides the division of artillery.

Richardson's and Hooker's divisions of the Second and Third corps had not arrived, and Casey's division of the Fourth corps was unable to move for want of wagons.

Before I left Washington an order had been issued by the War Department placing Fort Monroe and its dependencies under my control, and authorizing me to draw from the troops under General Wool a division of about ten thousand men, which was to be assigned to the First corps.

During the night of the third I received a telegram from the Adjutant-General of the army, stating that, by the President's order, I was de

prived of all control over General Wool and the troops under his command, and forbidden to detach any of his troops without his sanction.

This order left me without any base of operations under my own control, and to this day I am ignorant of the causes which led to it.

On my arrival at Fort Monroe the James River was declared by the naval authorities closed to the operations of their vessels by the combined influence of the enemy's batteries on its banks and the confederate steamers Merrimac, Yorktown, Jamestown, and Teazer. Flag-Officer Goldsborough, then in command of the United States squadron in Hampton Roads, regarded it (and no doubt justly) as his highest and most imperative duty to watch and neutralize the Merrimac; and as he designed using his most powerful vessels in a contest with her, he did not feel able to detach to the assistance of the army a suitable force to attack the water-batteries at Yorktown and Gloucester. All this was contrary to what had been previously stated to me, and materially affected my plans.

At no time during the operations against Yorktown was the navy prepared to lend us any material assistance in its reduction until after our land-batteries had partially silenced the works.

I had hoped, let me say, by rapid movements, to drive before me or capture the enemy on the Peninsula, open the James River, and press on to Richmond before he should be materially reinforced from other portions of the territory. As the narrative proceeds, the causes will be developed which frustrated these apparently well-grounded expectations.

I determined then to move the two divisions of the Fourth corps by the Newport News and Williamsburgh road, to take up a position between Yorktown and Williamsburgh, while the two divisions of the Third corps moved direct from Fort Monroe upon Yorktown; the reserves moving so as to support either corps as might prove necessary. I designed, should the works at Yorktown and Williamsburgh offer a serious resistance, to land the First corps, reinforced if necessary, on the left bank of the York or on the Severn, to move it on Gloucester and West-Point, in order to take in reverse whatever force the enemy might have on the Peninsula, and compel him to abandon his positions.

In the commencement of the movement from Fort Monroe, serious difficulties were encountered from the want of precise topographical information as to the country in advance. Correct local maps were not to be found, and the country, though known in its general feature, we found to be inaccurately described in essential particulars in the only maps and geographical memoirs or papers to which access could be had. Erroneous courses to streams and roads were frequently given, and no dependence could be placed on the information thus derived. This difficulty has been found to exist with respect to most portions of the State of Virginia, through which my military operations have extended. Reconnoissances, frequently under fire, proved

the only trustworthy sources of information. Negroes, however truthful their reports, possessed or were able to communicate very little accurate and no comprehensive topographical information.

On the third the following orders were given for the movement of the fourth:

"Porter's and Hamilton's divisions and Averill's cavalry of the Third corps, and Sedgwick's division of the Second corps, under Brigadier-General Heintzelman, commanding Third corps, will move to-morrow in the following order: Porter's division with Averill's cavalry at six A.M., over the Newmarket and New-Bridges to Big Bethel and Howard's Bridge. This division will send forward to the batteries where the Ship Point roads intersects the main Yorktown road a sufficient force to hold that point, and cut off the garrison of the Ship Point batteries. The whole division may be used for this purpose if necessary, and if possible the batteries should be occupied by our troops to-morrow. The portion of the division not necessary for this purpose will encamp at Howard's Bridge.

"Hamilton's division will march at seven A.M. by the New-Bridge road to Big Bethel, and will encamp on Howard's Creek.

"Sedgwick's division will march at eight A.M. by the Newmarket Bridge, taking the direct road to Big Bethel, and will also encamp at Howard's Bridge.

"Brigadier-General Keyes, commanding Fourth corps, will move with Smith's and Couch's division at six A.M., (Smith's division in advance,) by the James River road. The Fifth regular cavalry, temporarily assigned to this corps, will move with Smith's division, which will encamp at Young's Mills, throwing forward at least one brigade to the road from Big Bethel to Warwick. Couch's division will encamp at Fisher's Creek.

"The reserve cavalry, artillery, and infantry will move at half-past eight A.M., by the Newmarket Bridge, to Big Bethel, where it will encamp. On the march it will keep in rear of Sedgwick's division."

The following is an extract from the order issued on the fourth for the march of the fifth:

"The following movements of the army will be carried out to-morrow, (fifth:)

"General Keyes will move forward Smith's division at six A.M., via Warwick Court-House and the road leading near the old ship-yard, to the 'Half-way House' on the Yorktown and Williamsburgh road.

"General Couch's division will march at six A.M., to close up on General Smith's division at the 'Half-way House.'

"General Keyes's command will occupy and hold the narrow dividing ridge near the 'Half-way House,' so as to prevent the escape of the garrison at Yorktown by land, and prevent reinforcements being thrown in.

"General Heintzelman will move forward General Porter's two rear brigades at six A.M., upon the advanced-guard, when the entire division will advance to a point about two and three quarter

miles from Yorktown, where the road turns abruptly to the north, and where a road comes in from Warwick Court-House.

"General Hamilton's division will move at six A.M., and follow General Porter's division, camping as near it as possible.

"General Sedgwick's division will march at five A.M. as far as the Warwick road, which enters the main Yorktown road near Doctor Powers's house, and will await further orders.

"The reserve will march at six A.M. upon the main Yorktown road, halting for further orders at Doctor Powers's house; the infantry leading, the artillery following next, and the cavalry in rear.

"General Sedgwick's division will, for the present, act with the reserve, and he will receive orders from headquarters."

In giving these orders of march for the fourth and fifth, it was expected that there would be no serious opposition at Big Bethel, and that the advance of the Third corps beyond that point would force the enemy to evacuate the works at Young's Mills, while our possession of the latter would make it necessary for him to abandon those at Howard's Bridge, and the advance thence on Yorktown would place Ship Point in our possession, together with its garrison, unless they abandoned it promptly. The result answered the expectation.

During the afternoon of the fourth, General Keyes obtained information of the presence of some five thousand to eight thousand of the enemy in a strong position at Lee's Mills. The nature of that position in relation to the Warwick not being at that time understood, I instructed General Keyes to attack and carry this position upon coming in front of it.

Early in the afternoon of the fifth the advance of each column was brought to a halt, that of Heintzelman (Porter's division) in front of Yorktown, after overcoming some resistance at Big Bethel and Howard's Bridge; that of Keyes (Smith's division) unexpectedly before the enemy's works at Lee's Mills, where the road from Newport News to Williamsburgh crosses Warwick River.

The progress of each column had been retarded by heavy rains on that day, which had made the roads almost impassable to the infantry of Keyes's column, and impassable to all but a small portion of the artillery, while the ammunition, provisions, and forage could not be brought up at all.

When General Keyes approached Lee's Mills his left flank was exposed to a sharp artillery fire from the further bank of the Warwick, and upon reaching the vicinity of the mill he found it altogether stronger than was expected, unapproachable by reason of the Warwick River, and incapable of being carried by assault.

The troops composing the advance of each column were, during the afternoon, under a warm artillery fire, the sharpshooters even of the right column being engaged when covering reconnoissances.

It was at this stage and moment of the campaign that the following telegram was sent to me:

ADJUTANT-GENERAL'S OFFICE,
April 4, 1862.

By direction of the President, General McDowell's army corps has been detached from the force under your immediate command, and the General is ordered to report to the Secretary of War. Letter by mail.

L. THOMAS,
Adjutant-General.

General McCLELLAN.

The President having promised in an interview following his order of March thirty-first, withdrawing Blenker's division of ten thousand men from my command, that nothing of the sort should be repeated—that I might rest assured that the campaign should proceed, with no further deductions from the force upon which its operations had been planned—I may confess to having been shocked at this order, which, with that of the thirty-first ultimo and that of the third, removed nearly sixty thousand men from my command, and reduced my force by more than one third after its task had been assigned; its operations planned; its fighting begun. To me the blow was most discouraging. It frustrated all my plans for impending operations. It fell when I was too deeply committed to withdraw. It left me incapable of continuing operations which had been begun. It compelled the adoption of another, a different and a less effective plan of campaign. It made rapid and brilliant operations impossible. It was a fatal error.

It was now, of course, out of my power to turn Yorktown by West-Point. I had, therefore, no choice left but to attack it directly in front, as I best could with the force at my command.

Reconnoissances made under fire on that and the following day determined that the sources of the Warwick River were near Yorktown, commanded by its guns, while that stream, for some distance from its mouth on the James River, was controlled by the confederate gunboats; that the fords had been destroyed by dams, the approaches to which were generally through dense forests and deep swamps, and defended by extensive and formidable works; that timber felled for defensive purposes, and the flooding of the roads, caused by the dams, had made these works apparently inaccessible and impossible to turn; that Yorktown was strongly fortified, armed and garrisoned, and connected with the defences of the Warwick by forts and intrenchments, the ground in front of which was swept by the guns of Yorktown. It was also ascertained that the garrisons had been, and were daily being reinforced by troops from Norfolk and the army under General J. E. Johnston. Heavy rains made the roads to Fort Monroe impassable, and delayed the arrival of troops, ammunition, and supplies, while storms prevented for several days the sailing of transports from Hampton Roads, and the establishment of dépôts on the creeks of York River, near the army.

The ground bordering the Warwick River is

covered by very dense and extensive forests, the clearings being small and few. This, with the comparative flatness of the country, and the alertness of the enemy, everywhere in force, rendered thorough reconnoissances slow, dangerous, and difficult, yet it was impossible otherwise to determine whether an assault was anywhere practicable, or whether the more tedious but sure operations of a siege must be resorted to.

I made, on the sixth and seventh, close personal reconnoissances of the right and left of the enemy's positions, which, with information acquired already, convinced me that it was best to prepare for an assault by the preliminary employment of heavy guns, and some siege operations. Instant assault would have been simple folly. On the seventh I telegraphed to the President as follows:

HEADQUARTERS ARMY OF THE POTOMAC, }
April 7, 1862. }

Your telegram of yesterday is received. In reply, I have the honor to state that my entire force for duty amounts to only about (85,000) eighty-five thousand men. General Wool's command, as you will observe from the accompanying order, has been taken out of my control, although he has most cheerfully coöperated with me. The only use that can be made of his command is to protect my communications in rear of this point. At this time only fifty-three thousand men have joined me, but they are coming up as rapidly as my means of transportation will permit.

Please refer to my despatch to the Secretary of War to-night, for the details of our present situation.

GEO. B. McCLELLAN,
Major-General.

To the PRESIDENT, Washington, D. C.

On the same day I sent the following:

HEADQUARTERS ARMY OF THE POTOMAC, }
IN FRONT OF YORKTOWN, }
April 7, 1862—7 P.M. }

Your telegram of yesterday arrived here while I was absent, examining the enemy's right, which I did pretty closely.

The whole line of the Warwick, which really heads within a mile of Yorktown, is strongly defended by detached redoubts and other fortifications, armed with heavy and light guns. The approaches, except at Yorktown, are covered by the Warwick, over which there is but one, or, at most, two passages, both of which are covered by strong batteries. It will be necessary to resort to the use of heavy guns, and some siege operations, before we assault. All the prisoners state that General J. E. Johnston arrived at Yorktown yesterday with strong reinforcements. It seems clear that I shall have the whole force of the enemy on my hands—probably not less than (100,000) one hundred thousand men, and probably more. In consequence of the loss of Blenker's division and the First corps, my force is possibly less than that of the enemy, while they have all the advantage of position.

I am under great obligations to you for the

offer that the whole force and material of the Government will be as fully and as speedily under my command as heretofore, or as if the new departments had not been created.

Since my arrangements were made for this campaign, at least (50,000) fifty thousand men have been taken from my command. Since my despatch of the fifth instant, five divisions have been in close observation of the enemy, and frequently exchanging shots. When my present command all joins, I shall have about (85,000) eighty-five thousand men for duty, from which a large force must be taken for guards, scouts, etc. With this army I could assault the enemy's works, and perhaps carry them; but were I in possession of their intrenchments, and assailed by double my numbers, I should have no fears as to the result.

Under the circumstances that have been developed since we arrived here, I feel fully impressed with the conviction that here is to be fought the great battle that is to decide the existing contest. I shall, of course, commence the attack as soon as I can get up my siege train, and shall do all in my power to carry the enemy's works, but to do this with a reasonable degree of certainty requires, in my judgment, that I should, if possible, have at least the whole of the First corps to land upon the Severn River and attack Gloucester in the rear.

My present strength will not admit of a detachment sufficient for this purpose, without materially impairing the efficiency of this column. Flag-Officer Goldsborough thinks the works too strong for his available vessels, unless I can turn Gloucester. I send, by mail, copies of his letter and one of the commander of the gunboats here.

GEO. B. McCLELLAN,
Major-General.

Hon. E. M. STANTON,
Secretary of War.

I had provided a small siege train and moderate supplies of intrenching tools for such a contingency as the present. Immediate steps were taken to secure the necessary additions. While the engineer officers were engaged in ascertaining the character and strength of all the defences, and the configuration of the ground in front of Yorktown, in order to determine the point of attack and to develop the approaches, the troops were occupied in opening roads to the depots established at the nearest available points, on branches of York River. Troops were brought to the front as rapidly as possible, and on the tenth of April the army was posted as follows:

Heintzelman's corps, composed of Porter's, Hooker's, and Hamilton's divisions, in front of Yorktown, extending in the order named, from the mouth of Wormley's Creek to the Warwick road, opposite Winn's Mills. Sumner's corps—Sedgwick's division only having arrived—on the left of Hamilton, extending down to Warwick and opposite to Winn's Mills works. Keyes's corps, (Smith's, Couch's, and Casey's divisions,) on the left of Sedgwick, facing the works at the one-gun battery, Lee's Mills, etc., on the west bank of the Warwick. Sumner, after the sixth

of April, commanded the left wing, composed of his own and Keyes's corps.

Throughout the preparations for, and during the siege of Yorktown, I kept the corps under General Keyes, and afterward the left wing, under General Sumner, engaged in ascertaining the character of the obstacles presented by the Warwick, and the enemy intrenched upon the right bank, with the intention, if possible, of overcoming them and breaking that line of defence, so as to gain possession of the road to Williamsburgh, and cut off Yorktown from its supports and supplies. The forces under General Heintzelman were engaged in similar efforts upon the works between Winn's Mills and Yorktown. General Keyes's report of the sixteenth of April, inclosing reports of brigade commanders engaged in reconnoissances up to that day, said: "That no part of his (the enemy's line opposite his own) line, so far as discovered, can be taken by assault without an enormous waste of life."

Reconnoissances on the right flank demonstrated the fact that the Warwick was not passable in that direction, except over a narrow dam, the approaches to which were swept by several batteries, and intrenchments which could be filled quickly with supports sheltered by the timber immediately in rear.

General Barnard, Chief Engineer of the army of the Potomac, whose position entitled his opinions to the highest consideration, expressed the judgment that those formidable works could not, with any reasonable degree of certainty, be carried by assault. General Keyes, commanding Fourth army corps, after the examination of the enemy's defences on the left, before alluded to, addressed the following letter to the Hon. Ira Harris, United States Senate, and gave me a copy. Although not strictly official, it describes the situation at that time in some respects so well, that I have taken the liberty of introducing it here:

HEADQUARTERS FOURTH ARMY CORPS, }
WARWICK COURT-HOUSE, VA., April 7, 1862. }

MY DEAR SENATOR: The plan of campaign on this line was made with the distinct understanding that four army corps should be employed, and that the navy should coöperate in the taking of Yorktown, and also (as I understood it) support us on our left by moving gunboats up James River.

To-day I have learned that the First corps, which by the President's order was to embrace four divisions, and one division (Blenker's) of the Second corps, have been withdrawn altogether from this line of operations, and from the army of the Potomac. At the same time, as I am informed, the navy has not the means to attack Yorktown, and is afraid to send gunboats up James River, for fear of the Merrimac.

The above plan of campaign was adopted unanimously by Major-General McDowell and Brigadier-Generals Sumner, Heintzelman, and Keyes, and was concurred in by Major-General McClellan, who first proposed Urbana as our base.

This army being reduced by forty-five thousand

troops, some of them among the best in the service, and without the support of the navy, the plan to which we are reduced bears scarcely any resemblance to the one I voted for.

I command the James River column, and I left my camp near Newport News the morning of the fourth instant. I only succeeded in getting my artillery ashore the afternoon of the day before, and one of my divisions had not all arrived in camp the day I left, and for the want of transportation has not yet joined me. So you will observe that not a day was lost in the advance, and in fact we marched so quickly and so rapidly, that many of our animals were twenty-four and forty-eight hours without a ration of forage. But notwithstanding the rapidity of our advance, we were stopped by a line of defence nine or ten miles long, strongly fortified by breastworks, erected nearly the whole distance behind a stream, or succession of ponds, nowhere fordable, one terminus being Yorktown, and the other ending in the James River, which is commanded by the enemy's gunboats. Yorktown is fortified all around with bastioned works, and on the water side it and Gloucester are so strong that the navy are afraid to attack either.

The approaches on one side are generally though low, swampy, or thickly wooded ground, over roads which we are obliged to repair or to make before we can get forward our carriages. The enemy is in great force, and is constantly receiving reinforcements from the two rivers. The line in front of us is therefore one of the strongest ever opposed to an invading force in any country.

You will, then, ask why I advocated such a line for our operations? My reasons are few, but I think good.

With proper assistance from the navy we could take Yorktown, and then with gunboats on both rivers we could beat any force opposed to us on Warwick River, because the shot and shell from the gunboats would nearly overlap across the Peninsula; so that if the enemy should retreat—and retreat he must—he would have a long way to go without rail or steam transportation, and every soul of his army must fall into our hands or be destroyed.

Another reason for my supporting the new base and plan was, that this line, it was expected, would furnish water transportation nearly to Richmond.

Now, supposing we succeed in breaking through the line in front of us, what can we do next? The roads are very bad, and if the enemy retains command of James River, and we do not first reduce Yorktown, it would be impossible for us to subsist this army three marches beyond where it is now. As the roads are at present, it is with the utmost difficulty that we can subsist it in the position it now occupies.

You will see, therefore, by what I have said, that the force originally intended for the capture of Richmond should be all sent forward. If I thought the four army corps necessary when I supposed the navy would coöperate, and when I judged of the obstacles to be encountered by

what I learned from maps and the opinions of officers long stationed at Fort Monroe, and from all other sources, how much more should I think the full complement of troops requisite now that the navy cannot coöperate, and now that the strength of the enemy's lines and the number of his guns and men prove to be almost immeasurably greater than I had been led to expect. The line in front of us, in the opinion of all the military men here, who are at all competent to judge, is one of the strongest in the world, and the force of the enemy capable of being increased beyond the numbers we now have to oppose to him. Independently of the strength of the lines in front of us, and of the force of the enemy behind them, we cannot advance until we get command of either York River or James River. The efficient coöperation of the navy is, therefore, absolutely essential, and so I considered it when I voted to change our base from the Potomac to Fort Monroe.

An iron-clad boat must attack Yorktown; and if several strong gunboats could be sent up James River also, our success will be certain and complete, and the rebellion will soon be put down.

On the other hand, we must butt against the enemy's works with heavy artillery, and a great waste of time, life, and material.

If we break through and advance, both our flanks will be assailed from two great water-courses in the hands of the enemy; our supplies would give out, and the enemy, equal if not superior in numbers, would, with the other advantages, beat and destroy this army.

The greatest master of the art of war has said, "that if you would invade a country successfully you must have *one* line of operations, and *one* army, under *one* general." But what is our condition? The State of Virginia is made to constitute the command, in part or wholly, of some six generals, namely: Fremont, Banks, McDowell, Wool, Burnside, and McClellan, besides the scrap over the Chesapeake, in the care of Dix.

The great battle of the war is to come off here. If we win it, the rebellion will be crushed—if we lose it, the consequences will be more horrible than I care to tell. The plan of campaign I voted for, if carried out with the means proposed, will certainly succeed. If any part of the means proposed are withheld or diverted, I deem it due to myself to say that our success will be uncertain.

It is no doubt agreeable to the commander of the First corps to have a separate department, and as this letter advocates his return to General McClellan's command, it is proper to state that I am not at all influenced by personal regard or dislike to any of my seniors in rank. If I were to credit all the opinions which have been poured into my ears, I must believe that, in regard to my present fine command, I owe much to General McDowell and nothing to General McClellan. But I have disregarded all such officiousness, and I have from last July to the present day supported General McClellan, and obeyed all his or-

ders with as hearty a good-will as though he had been my brother or the friend to whom I owed most. I shall continue to do so to the last, and so long as he is my commander. And I am not desirous to displace him, and would not if I could. He left Washington with the understanding that he was to execute a definite plan of campaign with certain prescribed means. The plan was good and the means sufficient, and without modification the enterprise was certain of success. But with the reduction of force and means, the plan is entirely changed, and is now a bad plan, with means insufficient for certain success.

Do not look upon this communication as the offspring of despondency. I never despond; and when you see me working the hardest, you may be sure that fortune is frowning upon me. I am working now to my utmost.

Please show this letter to the President, and I should like also that Mr. Stanton should know its contents. Do me the honor to write to me as soon as you can, and believe me, with perfect respect,

Your most obedient servant,

E. D. KEYES,

Brigadier-General, Commanding Fourth Army Corps.

Hon. IRA HARRIS,

U. S. Senate.

On the seventh of April, and before the arrival of the divisions of Generals Hooker, Richardson, and Casey, I received the following despatches from the President and Secretary of War:

WASHINGTON, April 6, 1862—3 P. M.

Yours of eleven A. M. to-day received. Secretary of War informs me that the forwarding of transportation, ammunition, and Woodbury's brigade, under your orders, is not, and will not be, interfered with. You now have over one hundred thousand troops with you, independent of General Wool's command. I think you better break the enemy's line from Yorktown to Warwick River at once. This will probably use time as advantageously as you can.

ABRAHAM LINCOLN,

President.

General G. B. McCLELLAN.

WASHINGTON, April 6, 1862—3 P. M.

The President directs me to say that your despatch to him has been received. General Sumner's corps is on the road to join you, and will go forward as fast as possible. Franklin's division is now on the advance toward Manassas. There is no means of transportation here to send it forward in time to be of service in your present operations. Telegraph frequently, and all in the power of the Government shall be done to sustain you as occasion may require.

E. M. STANTON,

Secretary of War.

General G. B. McCLELLAN.

By the ninth of April I had acquired a pretty good knowledge of the position and strength of the enemy's works, and the obstacles to be overcome. On that day I received the following letter from the President:

WASHINGTON, April 9, 1861.

MY DEAR SIR: Your despatches, complaining that you are not properly sustained, while they do not offend me, do pain me very much.

Blenker's division was withdrawn from you before you left here, and you know the pressure under which I did it, and, as I thought, acquiesced in it—certainly not without reluctance.

After you left, I ascertained that less than twenty thousand unorganized men, without a single field battery, were all you designed to be left for the defence of Washington and Manassas Junction, and part of this even was to go to General Hooker's old position. General Banks's corps, once designed for Manassas Junction, was diverted and tied up on the line of Winchester and Strasburgh, and could not leave it without again exposing the Upper Potomac and the Baltimore and Ohio Railroad. This presented, or would present, when McDowell and Sumner should be gone, a great temptation to the enemy to turn back from the Rappahannock and sack Washington. My implicit order that Washington should, by the judgment of all the commanders of army corps, be left entirely secure, had been neglected. It was precisely this that drove me to detain McDowell.

I do not forget that I was satisfied with your arrangement to leave Banks at Manassas Junction: but when that arrangement was broken up, and nothing was substituted for it, of course I was constrained to substitute something for it myself. And allow me to ask, do you really think I should permit the line from Richmond, *viz* Manassas Junction, to this city, to be entirely open, except what resistance could be presented by less than twenty thousand unorganized troops? This is a question which the country will not allow me to evade.

There is a curious mystery about the number of troops now with you. When I telegraphed you on the sixth, saying you had over a hundred thousand with you, I had just obtained from the Secretary of War a statement taken, as he said, from your own returns, making one hundred and eight thousand then with you and *en route* to you. You now say you will have but eighty-five thousand when all *en route* to you shall have reached you. How can the discrepancy of twenty-three thousand be accounted for?

As to General Wool's command, I understand it is doing for you precisely what a like number of your own would have to do if that command was away.

I suppose the whole force which has gone forward for you is with you by this time. And if so, I think it is the precise time for you to strike a blow. By delay, the enemy will relatively gain upon you—that is, he will gain faster by fortifications and reinforcements than you can by reinforcements alone. And once more let me tell you, it is indispensable to you that you strike a blow. I am powerless to help this. You will do me the justice to remember I always insisted that going down the bay in search of a field, instead of fighting at or near Manassas, was only

shifting, and not surmounting, a difficulty; that we would find the same enemy, and the same or equal intrenchments, at either place. The country will not fail to note, is now noting, that the present hesitation to move upon an intrenched enemy is but the story of Manassas repeated.

I beg to assure you that I have never written you or spoken to you in greater kindness of feeling than now, nor with a fuller purpose to sustain you, so far as, in my most anxious judgment, I consistently can. But you must act.

Yours, very truly,

A. LINCOLN.

Major-General McCLELLAN.

With great deference to the opinions and wishes of His Excellency, the President, I most respectfully beg leave to refer to the facts which I have presented and those contained in the accompanying letter of General Keyes, with the reports of General Barnard and other officers, as furnishing a reply to the above letter. His Excellency could not judge of the formidable character of the works before us as well as if he had been on the ground; and whatever might have been his desire for prompt action, (certainly no greater than mine,) I feel confident if he could have made a personal inspection of the enemy's defences, he would have forbidden me risking the safety of the army and the possible successes of the campaign on a sanguinary assault of an advantageous and formidable position, which, even if successful, could not have been followed up to any other or better result than would have been reached by the regular operations of a siege. Still less could I forego the conclusions of my most instructed judgment for the mere sake of avoiding the personal consequences intimated in the President's despatch.

The following extracts from the report of the Chief Engineer (Brigadier-General J. G. Barnard) embody the result of our reconnaissances, and give, with some degree of detail, the character and strength of the defences of Yorktown and the Warwick, and some of the obstacles which the army contended against and overcame.

EXTRACTS FROM GENERAL BARNARD'S REPORT.

The accompanying drawing (Map No. 2) gives with accuracy the outline and armament of the fortifications of Yorktown proper, with the detached works immediately connected with it.

The three bastioned fronts, looking toward our approaches, appear to have been earliest built, and have about fifteen feet thickness of parapet and eight feet to ten feet depth of ditch, the width varying much, but never being less at top of scarp than fifteen feet—I think generally much more.

The works extending around the town, from the western salient of fronts just mentioned, appear to have been finished during the past winter and spring. They have formidable profiles, eighteen feet thickness of parapet, and generally ten feet depth of ditch.

The water-batteries had generally eighteen feet parapet, the guns in barbette.

They were (as well as all the works mentioned) carefully constructed with well-made sod revetments.

There were numerous traverses between the guns, and ample magazines; how sufficient in bomb-proof qualities I am unable to say.

The two first guns of the work on the heights bear upon the water as well as the land, and were of heavy calibre.

The list herewith gives all the guns in position, or for which there were emplacements. The vacant emplacements were all occupied before the evacuation by siege-guns, rifled four and a half-inch twenty-four pounders, and eighteen-pounders.

In Fort Magruder (the first exterior work) there were found one eight-inch columbiad, one forty-two pounder, and one eight-inch siege howitzer; the two former in barbette. The sketch will show the emplacements for guns on field and siege-carriages; making, I think, with the foregoing, twenty-two. Two of these were placed behind traverses, with embrasures covered by blindages.

The two external redoubts, with the connecting parapets, formed a reëntrant with the fronts of attack, and all the guns bore on our approaches.

It will be seen, therefore, that our approaches were swept by the fire of at least forty-nine guns, nearly all of which were heavy, and many of them the most formidable guns known. Besides that, two thirds of the guns of the water-batteries and all the guns of Gloucester bore on our right batteries, though under disadvantageous circumstances.

The ravine behind which the left of the Yorktown fronts of attack was placed was not very difficult, as the heads formed depressions in front of their left, imperfectly seen by their fire, and from which access could be had to the ditches; but we could not be sure of the fact before the evacuation. The enemy held, by means of a slight breastwork and rifle-trenches, a position in advance of the heads of these ravines as far forward as the burnt house.

The ravines which head between the Yorktown fortifications and the exterior works are deep and intricate. They were tolerably well seen, however, by the works which run westwardly from the Yorktown works, and which were too numerous and complicated to be traced on paper.

Fort Magruder, the first lunette on our left, appears to have been built at an early period.

The external connection between this work was first a rifle-trench, probably afterward enlarged into a parapet, with external ditch and an emplacement for four guns in or near the small redan in the centre.

Behind this they had constructed numerous epaulements, with connecting boyaus not fully arranged for infantry fires, and mainly intended probably to protect their camps and reserves against the destructive effects of our artillery.

From the "red redoubt" these trenches and epaulements ran to the woods and rivulet which forms one head of the Warwick, and continue almost without break to connect with the works at

Wynn's Mill. This stream, just mentioned, whatever be its name, (the term "Warwick," according to some, applying only to the tidal channel from the James River up as high as Lee's Mill,) was inundated by a number of dams from near where its head is crossed by the epaulements mentioned down to Lee's Mill.

Below Lee's Mill the Warwick follows a tortuous course through salt marshes of two hundred yards or three hundred yards in width, from which the land rises up boldly to a height of thirty or forty feet.

The first group of works is at Wynn's Mill, where there is a dam and bridge. The next is to guard another dam between Wynn's and Lee's Mills; (this is the point attacked by General Smith on the sixteenth ultimo, and where Lieutenant Merrill was wounded; the object of the attack was merely to prevent the further construction of works and feel the strength of the position.) A work, of what strength is not known, was at the sharp angle of the stream just above Lee's Mill, and a formidable group of works was at Lee's Mill, where there was also a dam and bridge.

From Lee's Mill a line of works extends across Mulberry Island, or is supposed to do so.

At Southall's Landing is another formidable group of works, and from here, too, they extend apparently across to the James River.

These groups of field-works were connected by rifle-trenches or parapets for nearly the whole distance.

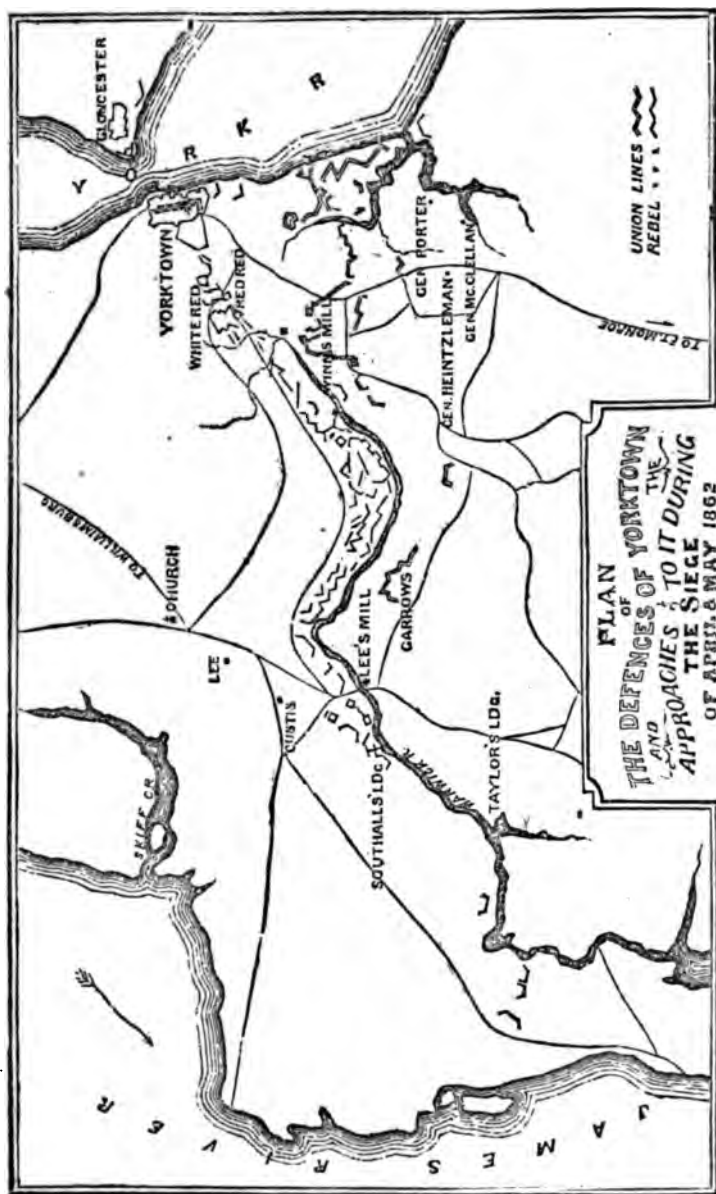
They are far more extensive than may be supposed from the mention of them I make, and every kind of obstruction which the country affords, such as abatis, marsh, inundation, etc., was skillfully used. The line is certainly one of the most extensive known to modern times.

The country on both sides of the Warwick, from near Yorktown down, is a dense forest with few clearings. It was swampy, and the roads impassable during the heavy rains we have constantly had, except where our own labors had corduroyed them.

If we could have broken the enemy's line across the isthmus we would have invested Yorktown, and it must, with its garrison, have soon fallen into our hands. It was not deemed practicable, considering the strength of that line and the difficulty of handling our forces, (owing to the impracticable character of the country,) to do so.

If we could take Yorktown, or drive the enemy out of that place, the enemy's line was no longer tenable. This we could do by siege operations. It was deemed too hazardous to attempt the reduction of the place by assault.

The plan of the approaches and their defences as determined upon and finally executed is exhibited on the accompanying map, (No. —.) It was, in words, to open the first parallel as near as possible to the works of the enemy, and under its protection to establish almost simultaneously batteries along the whole front, extending from York River on the right to the Warwick on the left, a chord of about one mile in length. The pri-



crpa' approaches were directed against the east end of the main work, which was most heavily armed and bore both on the water and land, and lay between Wormley's Creek and York River. There also were placed the most of the batteries designed to act against the land front to enfilade the water-batteries, and to act upon Gloucester.

I designed at the earliest moment to open simultaneously with several batteries, and as soon as the enemy's guns, which swept the neck of land between Wormley's Creek and the Warwick, were crippled and their fire kept down, to push the trenches as far forward as necessary and to assault Yorktown and the adjacent works.

The approaches to the batteries, the necessary bridges, and the roads to the depots, had been vigorously pushed to completion by the troops under Generals Heintzelman and Sumner, and were available for infantry, and in some instances for artillery, on the seventeenth of April, when the batteries and their connections were commenced, and labor upon them kept up night and day until finished. Some of the batteries on easy ground and concealed from the view of the enemy were early completed and armed, and held ready for any emergency, but not permitted to open, as the return fire of the enemy would interfere too much with the labor on other and more important works. The completion of the more exposed and heaviest batteries was delayed by storms, preventing the landing of guns and ammunition.

It having been discovered that the enemy were receiving artillery stores at the wharf in Yorktown, on May first, battery No. One was opened with effect upon the wharf and town.

On the twenty-second of April General Franklin, with his division from General McDowell's corps, had arrived and reported to me. The garrison of Gloucester Point had been reinforced and the works strengthened; but as this division was too small to detach to the Severn, and no more troops could be spared, I determined to act on Gloucester by disembarking it on the north bank of the York River, under the protection of the gunboats. The troops were mainly kept on board ship while the necessary preparations were made for landing them, and supporting them in case of necessity. For a full account of this labor I refer to the report of Lieutenant-Colonel B. S. Alexander, of the engineer corps, detailed for this expedition.

While the siege works were being rapidly completed, the roads on the left wing necessary for communication and advance were opened and corduroyed over the marshes, batteries were erected to silence the enemy's guns, and drive him from his works at Wynn's and Lee's Mills, preparatory to the general attack. Active reconnaissances were continually going on, and attempts in force made to drive the enemy from the banks.

The result of various reconnaissances made under the immediate direction of General W. F. Smith, commanding Second division Fourth corps, led to the belief that the weakest point of that part of the enemy's lines, was opposite a field where it was ascertained that there was a dam

covered by a battery known to contain at least one gun.

It was determined to push a strong reconnoissance on this point to silence the enemy's fire, and ascertain the actual strength of the position. Being prepared to sustain the reconnoitring party by a real attack, if found expedient, General W. F. Smith was directed to undertake the operation on the sixteenth of April. He silenced the fire of the enemy's guns, discovered the existence of other works previously concealed and unknown, and sent a strong party across the stream, which was finally forced to retire with some loss. Smith intrenched himself in a position immediately overlooking the dam and the enemy's works, so as to keep them under control, and prevent the enemy from using the dam as a means of crossing the Warwick to annoy us.

Many times toward the end of the month the enemy attempted to drive in our pickets, and take our rifle-pits near Yorktown, but always without success.

As the siege progressed, it was with great difficulty that the rifle-pits on the right could be excavated and held, so little covering could be made against the hot fire of the enemy's artillery and infantry. Their guns continued firing up to a late hour of the night of the third of May.

Our batteries would have been ready to open on the morning of the sixth May at latest; but on the morning of the fourth it was discovered that the enemy had already been compelled to evacuate his position during the night, leaving behind him all his heavy guns, uninjured, and a large amount of ammunition and supplies. For the details of the labor of the siege I refer to the accompanying reports and journals of Brigadier-General J. G. Barnard, Chief Engineer, charged with the selections, laying out, and completion of the approaches and batteries; of Brigadier-General Wm. F. Barry, Chief of Artillery, charged with arming and supplying with ammunition all the siege and field-batteries; and of Brigadier-General Fitz-John Porter, director of the siege, to whom were assigned the guarding of the trenches, the assembling and distribution of the working parties, etc. etc.

Early in the morning of the fourth, on the enemy's abandoning his lines at Yorktown, I ordered all the available cavalry force, with four batteries of horse artillery, under Brigadier-General Stoneman, Chief of Cavalry, in immediate pursuit by the Yorktown and Williamsburgh road, with orders to harass the enemy's rear, and try to cut off such of his forces as had taken the Lee's Mill and Williamsburgh road.

General Heintzelman was directed to send Hooker's division forward on the Yorktown and Williamsburgh road to support General Stoneman; and Smith was ordered to proceed with his division upon the Lee's Mill and Williamsburgh road for the same purpose. Afterward, the divisions of Generals Kearny, Couch, and Casey, were put *en route*—the first on the Yorktown road, and the others on the Lee's Mill road. These roads unite about a quarter of a mile south of

Fort Magruder, and are connected by cross-roads at several points between Yorktown and Williamsburgh. After these directions had been given, General Sumner (the officer second in rank in the army of the Potomac) was ordered to proceed to the front and take immediate charge of operations until my arrival.

General Stoneman moved forward promptly with his command, consisting of four batteries of horse artillery under Lieutenant-Colonel Hays, the First and Sixth United States cavalry, the Third Pennsylvania and Eighth Illinois, and Barker's squadron, meeting with but little opposition until he arrived in front of the enemy's works about two miles east of Williamsburgh.

At a point about eight miles from Yorktown, in accordance with my instructions, he detached General Emory with Benson's battery, the Third Pennsylvania cavalry, (Colonel Averill,) and Barker's squadron, to gain the Lee's Mill road, and endeavor, with the assistance of General Smith, to cut off the portion of the enemy's rear-guard which had taken that route. General Emory had some sharp skirmishes with a regiment of cavalry and a battery under General Stuart, and drove them in the direction of Lee's Mill.

General Smith having met with obstructions in his front, had transferred his column, by a cross-road, to the Yorktown and Williamsburgh road, so that General Emory, finding no force to coöperate with him, was unable to cut off the rear-guard, and they succeeded in escaping by a circuitous route along the bank of the James River.

The position in which General Stoneman encountered the enemy is about four miles in extent, the right resting on College Creek, and the left on Queen's Creek; nearly three fourths of its front being covered by tributaries of these two creeks, upon which there are ponds.

The ground between the heads of the boundary streams is a cultivated plain, across which a line of detached works had been constructed, consisting of Fort Magruder, a large work in the centre with a bastion front, and twelve other redoubts and epaulements with field-guns.

The parapet of Fort Magruder is about six feet high and nine feet thick; the ditch nine feet wide and nine feet deep, filled with water. The length of the interior crest is about six hundred yards. The redoubts have strong profiles, but are of small dimensions, having faces of about forty yards. The woods in front of the position were felled, and the open ground in front of the works was dotted with numerous rifle-pits.

The roads leading from the lower part of the Peninsula to Williamsburgh, one along the York River, (the Yorktown road,) and the other along the James, (the Lee's Mill road,) unite between the heads of the tributary streams a short distance in front of Fort Magruder, by which they are commanded, and debouch from the woods just before uniting. A branch from the James River road leaves it about one and three fourths of a mile below Fort Magruder and unites with the road from Allen's Landing to Williamsburgh,

which crosses the tributary of College Creek over a dam at the outlet of the pond, and passes just in rear of the line of works, being commanded by the three redoubts on the right of the line, at about the same distance from Fort Magruder. A branch leaves the York River road and crosses the tributary of Queen's Creek on a dam, and passing over the position and through the works in its rear, finally enters Williamsburgh; this road is commanded by redoubts on the left of the line of the works.

General Stoneman debouched from the woods with his advance-guard, (consisting of a part of the First United States cavalry and one section of Gibson's battery, under the command of General Cooke,) and the enemy immediately opened on him with several field-pieces from Fort Magruder, having the correct range, and doing some execution. Gibson's battery was brought into position as rapidly as the deep mud would permit, and returned the fire; while the Sixth United States cavalry was sent to feel the enemy's left. This regiment passed one redoubt, which it found unoccupied; and appeared in the rear of a second, when a strong cavalry force, with infantry and artillery, came down upon it, whereupon the regiment was withdrawn. The rear squadron, under command of Captain Saunders, repelled a charge of the enemy's cavalry in the most gallant manner. In the mean time the enemy was being reinforced by infantry, and the artillery fire becoming very hot. General Stoneman, having no infantry to carry the works, ordered the withdrawal of the battery. This was accomplished with the exception of one piece, which could not be extricated from the mud. The enemy attempted to prevent the movement, but their charges were met by the First United States cavalry, under command of Lieutenant-Colonel Grier, and they were driven back, losing several officers and one stand of colors. General Stoneman then took a defensive position a short distance in the rear of the first, to await the arrival of the infantry.

The advance of General Smith's column reached Skiff's Creek about half-past eleven o'clock, and found the bridge over that stream in flames and the road impassable. A practicable route to the Yorktown road having been discovered, the division, by order of General Sumner, moved on by that road, and reached General Stoneman's position about half-past five o'clock. General Sumner, arriving with it, assumed command.

Generals Heintzelman and Keyes also arrived. During the afternoon of the fourth, near the Half-way House, the head of General Hooker's column encountered Smith's division filing into the road, and was obliged to halt between three and four hours until it had passed. General Hooker then followed on, and at Cheesecake Church turned off, by General Heintzelman's direction, taking a cross-road, and moved out on the Lee's Mill road, thus changing places with General Smith. Marching part of the night, he came in sight of Fort Magruder early in the morning of the fifth.

General Smith's division having been deployed, General Sumner ordered an attack on the works in his front; but the lines having been thrown into confusion while moving through the dense forest, and darkness coming on, the attempt for that night was abandoned. The troops bivouacked in the woods, and a heavy rain began, which continued until the morning of the sixth, making the roads, already in very bad condition, almost impassable.

During the morning of the fifth General Sumner reconnoitred the position in his front, and at eleven o'clock ordered Hancock's brigade, of Smith's division, to take possession of a work on the enemy's left, which had been found to be unoccupied. The remainder of Smith's division occupied the woods in front without being actually engaged.

The divisions of Couch and Casey had received orders during the night to march at daylight; but on account of the terrible condition of the roads, and other impediments, were not able to reach the field until after one o'clock P.M., at which time the first brigade of Couch's division arrived, and was posted in the centre, on Hooker's right. The other two brigades came up during the afternoon, followed by Casey's division.

In the mean time, General Hooker, having reconnoitred the enemy's position, began the attack at half-past seven A.M., and for a while silenced the guns of Fort Magruder and cleared the ground in his front; but the enemy being continually reinforced, until their strength greatly exceeded his, made attack after attack, endeavoring to turn his left.

For several hours his division struggled gallantly against the superior numbers of the enemy. Five guns of Webber's battery were lost, and between three and four o'clock his ammunition began to give out. The loss had been heavy, and the exhaustion of the troops was very great. At this time the division of General Kearny came up, who, at nine A.M., had received orders to reinforce Hooker, and who had succeeded, by the greatest exertions, in passing Casey's troops, and pushing on to the front through the deep mud. General Kearny at once gallantly attacked, and thereby prevented the loss of another battery, and drove the enemy back at every point, enabling General Hooker to extricate himself from his position, and withdraw his wearied troops. Peck's brigade, of Couch's division, as has been mentioned before, was, immediately on its arrival, ordered by General Sumner to deploy on Hooker's right. This was promptly done, and the attacks of the enemy at that point were repulsed. General Peck held his position until late in the afternoon, when he was relieved by the other two brigades of Couch's division, and they were in quiet possession of the ground when night closed the contest. The vigorous action of these troops relieved General Hooker considerably. General Emory had been left with his command, on the night of the fourth, to guard the branch of the Lee's Mill road which leads to Allen's farm; and on the morning of the fifth it

was ascertained that by this route the enemy's right could be turned. A request for infantry for this purpose was made to General Heintzelman, who, late in the afternoon, sent four regiments and two batteries of Kearny's division—the first disposable troops he had—and directed General Emory to make the attack. With these reinforcements his force amounted to about three thousand men and three batteries. General Emory, on account of want of knowledge of the ground, and the lateness of the hour, did not succeed in this movement. It involved some risks, but, if successful, might have produced important results.

At eleven A.M., as before mentioned, General Smith received orders from General Sumner to send one brigade across a dam on our right, to occupy a redoubt on the left of the enemy's line. Hancock's brigade was selected for this purpose. He crossed the dam, took possession of the first redoubt, and afterward, finding the second one vacated, he occupied that also, and sent for reinforcements to enable him to advance further and take the next redoubt, which commanded the plain between his position and Fort Magruder, and would have enabled him to take in reverse and cut the communication of the troops engaged with Generals Hooker and Kearny.

The enemy soon began to show himself in strength before him, and as his rear and right flank were somewhat exposed, he repeated his request for reinforcements. General Smith was twice ordered to join him with the rest of his division, but each time the order was countermanded at the moment of execution, General Sumner not being willing to weaken the centre. At length, in reply to General Hancock's repeated messages for more troops, General Sumner sent him an order to fall back to his first position, the execution of which General Hancock deferred as long as possible, being unwilling to give up the advantage already gained, and fearing to expose his command by such a movement.

During the progress of these events I had remained at Yorktown to complete the preparations for the departure of General Franklin's and other troops to West-Point by water, and to make the necessary arrangements with the naval commander for his coöperation.

By pushing General Franklin, well supported by water, to the right bank of the Pamunkey, opposite West-Point, it was hoped to force the enemy to abandon whatever works he might have on the Peninsula below that point, or be cut off. It was of paramount importance that the arrangements to this end should be promptly made at an early hour of the morning. I had sent two of my aids (Lieutenant-Colonel Sweitzer and Major Hammerstein) to observe the operations in front, with instructions to report to me every thing of importance that might occur. I received no information from them leading me to suppose that there was any thing occurring of more importance than a simple affair of a rearguard, until about one o'clock P.M., when a despatch arrived from one of them that every thing

was not progressing favorably. This was confirmed a few minutes later by the reports of Governor Sprague and Major Hammerstein, who came directly from the scene of action.

Completing the necessary arrangements, I returned to my camp without delay, rode rapidly to the front, a distance of some fourteen miles, through roads much obstructed by troops and wagons, and reached the field between four and five P.M., in time to make a rapid survey of the ground. I soon learned that there was no direct communication between our centre and the left under General Heintzelman; the centre was chiefly in the nearer edge of the woods, situated between us and the enemy. As heavy firing was heard in the direction of General Hancock's command, I immediately ordered General Smith to proceed with his two remaining brigades to support that part of the line. General Naglee, with his brigade, received similar orders. I then directed our centre to advance to the further edge of the woods mentioned above, which was done, and I attempted to open direct communication with General Heintzelman, but was prevented by the marshy state of the ground in the direction in which the attempt was made.

Before Generals Smith and Naglee could reach the field of General Hancock's operations, although they moved with great rapidity, he had been confronted by a superior force. Feigning to retreat slowly, he awaited their onset, and then turned upon them, and after some terrific volleys of musketry, he charged them with the bayonet, routing and dispersing their whole force, killing, wounding, and capturing from five hundred to six hundred men, he himself losing only thirty-one men.

This was one of the most brilliant engagements of the war, and General Hancock merits the highest praise for the soldierly qualities displayed, and his perfect appreciation of the vital importance of his position.

Night put an end to the operations here, and all the troops who had been engaged in this contest slept on the muddy field, without shelter, and many without food.

Notwithstanding the report I received from General Heintzelman, during the night, that General Hooker's division had suffered so much that it could not be relied on next day, and that Kearny's could not do more than hold its own without reinforcements—being satisfied that the result of Hancock's engagement was to give us possession of the decisive point of the battle-field during the night, I countermanded the order for the advance of the divisions of Sedgwick and Richardson, and directed them to return to Yorktown, to proceed to West-Point by water.

Our loss during the day, the greater part of which was sustained by Hooker's division, was as follows:

Killed, four hundred and fifty-six; wounded, one thousand four hundred; missing, three hundred and seventy-two; total, two thousand two hundred and twenty-eight.

On the next morning we found the enemy's position abandoned, and occupied Fort Magruder and the town of Williamsburgh, which was filled with the enemy's wounded, to whose assistance eighteen of their surgeons were sent by General J. E. Johnston, the officer in command. Several guns and caissons, which the enemy could not carry off on account of the mud, were secured. Colonel Averill was sent forward at once with a strong cavalry force to endeavor to overtake the enemy's rear-guard. He found several guns abandoned, and picked up a large number of stragglers, but the condition of the roads and the state of the supplies forced him to return, after advancing a few miles.

It is my opinion that the enemy opposed us here with only a portion of his army. When our cavalry first appeared there was nothing but the enemy's rear-guard in Williamsburgh. Other troops were brought back during the night and the next day to hold the works as long as possible, in order to gain time for the trains, etc., already well on the way to Richmond, to make their escape. Our troops were greatly exhausted by the laborious march through the mud from their positions in front of Yorktown, and by the protracted battle through which they had just passed. Many of them were out of rations and ammunition, and one division, in its anxiety to make a prompt movement, had marched with empty haversacks. The supply trains had been forced out of the roads on the fourth and fifth to allow the troops and artillery to pass to the front, and the roads were now in such a state, after thirty-six hours' continuous rain, that it was almost impossible to pass even empty wagons over them. General Hooker's division had suffered so severely that it was in no condition to follow the enemy, even if the roads had been good. Under these circumstances, an immediate pursuit was impossible.

Steps were at once taken to care for and remove the wounded, and to bring up provisions, ammunition, and forage.

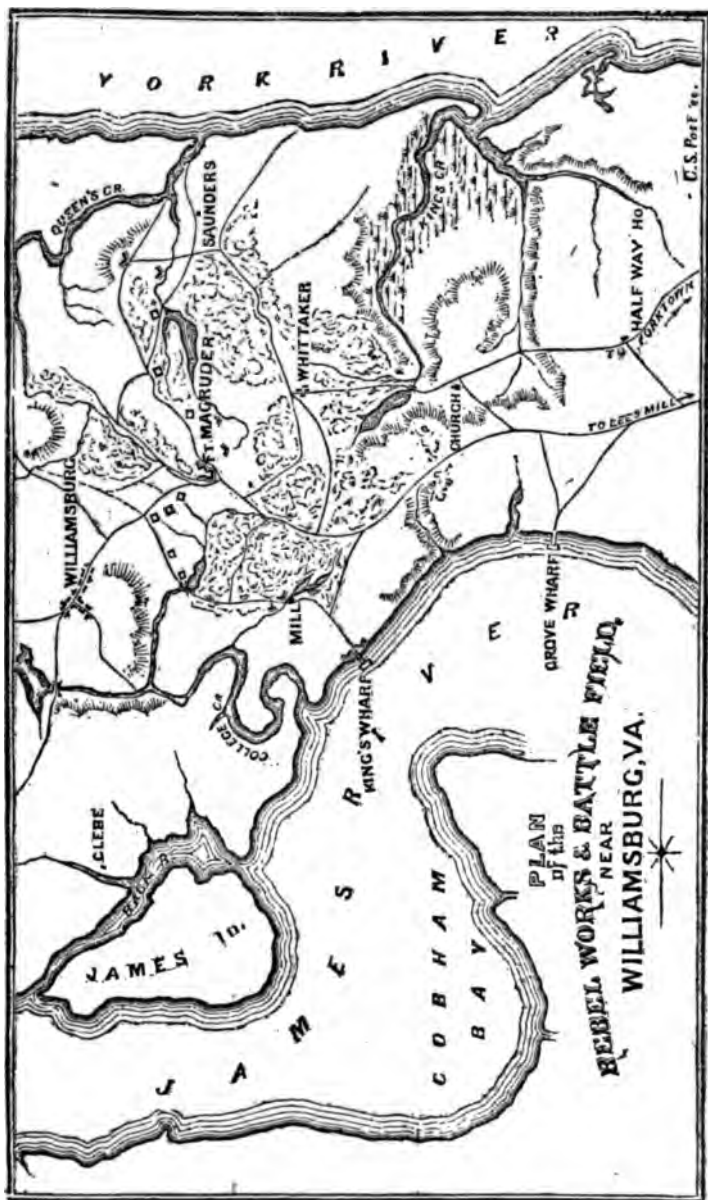
The condition of the roads, as has been said, rendered it next to impossible to accomplish this by land from Yorktown. A temporary dépôt was therefore promptly established on Queen's Creek, and supplies drawn, and the wounded shipped from that place.

The divisions of Franklin, Sedgwick, Porter, and Richardson were sent from Yorktown by water to the right bank of the Pamunkey, in the vicinity of West-Point. The remaining divisions, the trains, and the reserve artillery moved subsequently by land.

Early on the morning of the seventh, General Franklin had completed the disembarkation of his division, and had placed it in a good position to cover the landing-place, both his flanks and a large portion of his front being protected by water.

Dana's brigade of Sedgwick's division arrived during the morning.

At about nine A.M. a large force of the enemy appeared, consisting of Whiting's division and



other troops, and between ten and eleven they attacked a part of the line held by Newton's brigade.

The action continued until three p.m., when the enemy retired, all his attacks having been repulsed. This affair, the most important in which the division had yet been engaged, was highly creditable to General Franklin and his command. For the details I refer to his report which is herewith submitted. Our loss was forty-nine killed, one hundred and four wounded, and forty-one missing. Total, one hundred and ninety-four, which includes a large proportion of officers.

Cavalry reconnoissances were sent out from Williamsburgh on the sixth and seventh, and on the eighth General Stoneman moved with an advance-guard of cavalry, artillery, and infantry to open communication with General Franklin.

As soon as our supplies had been received and the condition of the roads had become a little better, though still very bad, the advance of the remaining troops was begun, Smith's division moving on the eighth. On the tenth, headquarters were at Roper's Church, nineteen miles from Williamsburgh, all the divisions which had moved by land, except Hooker's, being in the vicinity of that place.

We were now in direct communication with the portion of the army which had gone by water, and we began to draw supplies from them.

On account of the small number and narrowness of the roads in this neighborhood, movements were difficult and slow.

On the fifteenth, headquarters and the divisions of Franklin, Porter, Sykes, and Smith reached Cumberland, which was made a temporary dépôt. Couch and Casey were then near New-Kent Court-House, Hooker and Kearny near Roper's Church, and Richardson and Sedgwick near Eltham.

On the fourteenth and fifteenth much rain fell.

On the fifteenth and sixteenth, the divisions of Franklin, Smith, and Porter were with great difficulty moved to White House, five miles in advance. So bad was the road that the train of one of these divisions required thirty-six hours to pass over this short distance. General Stoneman had occupied this place some days before, after several successful skirmishes, in which our cavalry proved superior to that of the enemy. The reports of these affairs are appended.

About this time, with the consent of the President, two additional corps were organized, namely, the Fifth Provisional corps, consisting of the divisions of Porter and Sykes, and the reserve artillery, under the command of General F. J. Porter, and the Sixth Provisional corps, consisting of the divisions of Franklin and Smith, under the command of General W. B. Franklin.

Headquarters reached White House on the sixteenth, and a permanent dépôt was at once organized there.

On the nineteenth, headquarters and the corps of Porter and Franklin moved to Tunstall's Station, five miles from White House.

On the twentieth more rain fell.

On the twenty-first, the position of the troops was as follows: Stoneman's advance-guard, one mile from New-Bridge; Franklin's corps three miles from New-Bridge, with Porter's corps as supporting distance in its rear; Sumter's corps on the railroad about three miles from the Chickahominy, connecting the right with the left; Keyes's corps on New-Kent road near Bottom's Bridge, with Heintzelman's corps at supporting distance in the rear.

The ford at Bottom's Bridge was in our possession, and the rebuilding of the bridge, which had been destroyed by the enemy, was commenced.

On the twenty-second, headquarters moved to Coal Harbor.

On the twenty-sixth, the railroad was in operation as far as the Chickahominy, and the railroad bridge across that stream nearly completed.

CHAPTER II.

When, on the twentieth of May, our advanced light troops reached the banks of the Chickahominy River, at Bottom's Bridge, they found that this as well as the railroad bridge, about a mile above, had been destroyed by the enemy.

The Chickahominy in this vicinity is about forty feet wide, fringed with a dense growth of heavy forest trees, and bordered by low marshy bottom-lands, varying from half a mile to a mile in width.

Our operations embraced that part of the river between Bottom's and Meadow Bridges, which covered the principal approaches to Richmond from the east.

Within these limits the firm ground lying above high-water mark seldom approaches near the river on either bank, and no locality was found within this section where the high ground came near the stream on both sides. It was subject to frequent, sudden, and great variations in the volume of water, and a rise of a few feet overflowed the bottom-lands on both sides.

At low-water it could be forded at almost any point; but during high-water it was above a fording stage, and could then be crossed only at a few points where bridges had been constructed. These bridges had all been destroyed by the enemy on our approach, and it was necessary not only to reconstruct these, but to build several others.

The west bank of the river opposite the New and Mechanicsville Bridges was bordered by elevated bluffs, which afforded the enemy commanding positions to fortify, establish his batteries, enfilading the approaches upon the two principal roads to Richmond on our right, and resist the reconstruction of the important bridges. This obliged us to select other less exposed points for our crossings.

As the enemy was not in great force opposite Bottom's Bridge on the arrival of our left at that point, and as it was important to secure a lodgment upon the right bank before he should have time to concentrate his forces and contest the passage, I forthwith ordered Casey's division to

ford the river and occupy the opposite heights. This was promptly done on the twentieth, and reconnoissances were at once pushed out in advance.

These troops were directed to throw up defences in an advantageous position to secure our left flank. General Heintzelman's corps was thrown forward in support, and Bottom's Bridge immediately rebuilt.

In the mean time our centre and right were advanced to the river above, and on the twenty-fourth we carried the village of Mechanicsville, driving the enemy out with our artillery, and forcing them across the bridge, which they destroyed. General Naglee on the same day dislodged a force of the enemy from the vicinity of the "Seven Pines," on the Bottom's Bridge road, and our advance on the left secured a strong position near that place.

All the information obtained from deserters, negroes, and spies, indicated that the enemy occupied in force all the approaches to Richmond from the east, and that he intended to dispute every step of our advance beyond the Chickahominy, and the passage of the stream opposite our right. That their army was superior to ours in numbers, did not admit of a doubt. Strong defences had been constructed around Richmond.

Impressed by these facts with the necessity of strengthening the army for the struggle, I did not fail to urge repeatedly upon my superiors the importance of reinforcing the army of the Potomac with every disposable man, in order to insure the success of our attack upon the rebel capital.

On the tenth of May I telegraphed as follows:

CAMP AT EWEEL'S FARM,
THREE MILES BEYOND WILLIAMSBURG, }
May 10, 1862—6 A.M. }

From the information reaching me from every source, I regard it as certain that the enemy will meet us with all his force on or near the Chickahominy. They can concentrate many more men than I have, and are collecting troops from all quarters, especially well-disciplined troops from the South. Casualties, sickness, garrisons, and guards have much reduced our numbers and will continue to do so. I shall fight the rebel army with whatever force I may have, but duty requires me to urge that every effort be made to reinforce me without delay with all the disposable troops in Eastern Virginia, and that we concentrate all our forces, as far as possible, to fight the great battle now impending, and to make it decisive.

It is possible that the enemy may abandon Richmond without a serious struggle; but I do not believe he will, and it would be unwise to count upon any thing but a stubborn and desperate defence—a life-and-death contest. I see no other hope for him than to fight this battle, and we must win it. I shall fight them whatever their force may be, but I ask for every man that the department can send me. No troops should now be left unemployed. Those who entertain the opinion that the rebels will abandon Richmond without a struggle, are, in my judg-

ment, badly advised, and do not comprehend their situation, which is one requiring desperate measures.

I beg that the President and Secretary will maturely weigh what I say, and leave nothing undone to comply with my request. If I am not reinforced, it is probable that I will be obliged to fight nearly double my numbers strongly intrenched. I do not think it will be at all possible for me to bring more than (70,000) seventy thousand men upon the field of battle.

GEORGE B. MCCLELLAN,
Major-General Commanding.

HON. EDWIN M. STANTON,
Secretary of War.

On the fourteenth of May I sent the following telegram to the President:

CAMP AT CUMBERLAND, May 14, 1862.

I have more than twice telegraphed to the Secretary of War, stating that, in my opinion, the enemy were concentrating all their available force to fight this army in front of Richmond, and that such ought to be their policy. I have received no reply whatever to any of these telegraphs. I beg leave to repeat their substance to your Excellency, and to ask that kind consideration which you have ever accorded to my representations and views. All my information from every source accessible to me establishes the fixed purpose of the rebels to defend Richmond against this army by offering us battle with all the troops they can collect from east, west, and south, and my opinion is confirmed by that of all my commanders whom I have been able to consult.

Casualties, sickness, garrisons, and guards have much weakened my force, and will continue to do so. I cannot bring into actual battle against the enemy more than eighty thousand men at the utmost, and with them I must attack in position, probably intrenched, a much larger force, perhaps double my numbers. It is possible that Richmond may be abandoned without a serious struggle; but the enemy are actually in great strength between here and there, and it would be unwise, and even insane, for me to calculate upon any thing but a stubborn and desperate resistance. If they should abandon Richmond, it may well be that it is done with the purpose of making the stand at some place in Virginia south or west of there, and we should be in condition to press them without delay. The confederate leaders must employ their utmost efforts against this army in Virginia, and they will be supported by the whole body of their military officers, among whom there may be said to be no Union feeling, as there is also very little among the higher class of citizens in the seceding States.

I have found no fighting men left in this Peninsula. All are in the ranks of the opposing foe.

Even if more troops than I now have should prove unnecessary for purposes of military occupation, our greatest display of imposing force in the capital of the rebel government will have the best moral effect. I most respectfully and ear-

mostly urge upon your Excellency that the opportunity has come for striking a fatal blow at the enemies of the Constitution, and I beg that you will cause this army to be reinforced without delay by all the disposable troops of the Government. I ask for every man that the War Department can send me. Any commander of the reinforcements whom your Excellency may designate will be acceptable to me, whatever expression I may have heretofore addressed to you on that subject.

I will fight the enemy whatever their force may be, with whatever force I may have; and I firmly believe that we shall beat them, but our triumph should be made decisive and complete. The soldiers of this army love their government, and will fight well in its support. You may rely upon them. They have confidence in me as their General, and in you as their President. Strong reinforcements will at least save the lives of many of them. The greater our force the more perfect will be our combinations, and the less our loss.

For obvious reasons I beg you to give immediate consideration to this communication, and to inform me fully at the earliest moment of your final determination.

GEORGE B. MCCLELLAN,
Major-General.

His Excellency ABRAHAM LINCOLN,
President of the United States.

To which, on the eighteenth of May, I received this reply:

WASHINGTON, May 18—8 P.M.

GENERAL: Your despatch to the President, asking reinforcements, has been received and carefully considered.

The President is not willing to uncover the capital entirely; and it is believed that even if this were prudent, it would require more time to effect a junction between your army and that of the Rappahannock by the way of the Potomac and York River, than by a land march. In order, therefore, to increase the strength of the attack upon Richmond at the earliest moment, General McDowell has been ordered to march upon that city by the shortest route. He is ordered, keeping himself always in position to save the capital from all possible attack, so to operate as to put his left wing in communication with your right wing, and you are instructed to co-operate so as to establish this communication as soon as possible by extending your right wing to the north of Richmond.

It is believed that this communication can be safely established either north or south of the Pamunkey River.

In any event, you will be able to prevent the main body of the enemy's forces from leaving Richmond, and falling in overwhelming force upon General McDowell. He will move with between thirty-five (35,000) and forty thousand (40,000) men.

A copy of the instructions to General McDowell are with this. The specific task assigned to

his command has been to provide against any danger to the capital of the nation.

At your earnest call for reinforcements, he is sent forward to coöperate in the reduction of Richmond, but charged, in attempting this, not to uncover the city of Washington, and you will give no order, either before or after your junction, which can put him out of position to cover this city. You and he will communicate with each other by telegraph or otherwise, as frequently as may be necessary for sufficient coöperation. When General McDowell is in position on your right, his supplies must be drawn from West-Point, and you will instruct your staff-officers to be prepared to supply him by that route.

The President desires that General McDowell retain the command of the department of the Rappahannock, and of the forces with which he moves forward.

By order of the President.

EDWIN M. STANTON,
Secretary of War.

Major-General GEORGE B. MCCLELLAN,
Commanding Army of the Potomac, before Richmond.

It will be observed that this order rendered it impossible for me to use the James River as a line of operations, and forced me to establish our dépôts on the Pamunkey, and to approach Richmond from the north.

I had advised, and preferred, that reinforcements should be sent by water, for the reasons that their arrival would be more safe and certain, and that I would be left free to rest the army on the James River whenever the navigation of that stream should be opened.

The land movement obliged me to expose my right in order to secure the junction; and as the order for General McDowell's march was soon countermanded, I incurred great risk, of which the enemy finally took advantage, and frustrated the plan of campaign. Had General McDowell joined me by water, I could have approached Richmond by the James, and thus avoided the delays and losses incurred in bridging the Chickahominy, and would have had the army massed in one body instead of being necessarily divided by that stream.

The following is a copy of the instructions to General McDowell:

WAR DEPARTMENT,
WASHINGTON, May 17, 1862.

GENERAL: Upon being joined by General Shields's division, you will move upon Richmond by the general route of the Richmond and Fredericksburg Railroad, coöperating with the forces under General McClellan, now threatening Richmond from the line of the Pamunkey and York rivers.

While seeking to establish as soon as possible a communication between your left wing and the right wing of General McClellan, you will hold yourself always in such position as to cover the capital of the nation against a sudden dash of any large body of the rebel forces.

General McClellan will be furnished with a copy of these instructions, and will be directed

to hold himself in readiness to establish communication with your left wing, and to prevent the main body of the enemy's army from leaving Richmond, and throwing itself upon your column, before a junction of the two armies is effected.

A copy of his instructions in regard to the employment of your force is annexed.

By order of the President.

EDWIN M. STANTON,
Secretary of War.

General McDowell,
Commanding Department of Rappahannock.

Having some doubts, from the wording of the foregoing orders, as to the extent of my authority over the troops of General McDowell, and as to the time when I might anticipate his arrival, on the twenty-first of May I sent this despatch:

HEADQUARTERS ARMY OF THE POTOMAC,
CAMP NEAR TURNSTALL'S STATION, VA.,
May 21, 1862—11 P.M.

Your despatch of yesterday, respecting our situation and the batteries of Fort Darling, was received while I was absent with the advance, where I have been all this day. I have communicated personally with Captain Goldsborough, and by letter with Captain Smith. The vessels can do nothing without coöperation on land, which I will not be in condition to afford for several days. Circumstances must determine the propriety of a land attack.

It rained again last night, and rain on this soil soon makes the roads incredibly bad for army transportation. I personally crossed the Chickahominy to-day at Bottom's Bridge ford, and went a mile beyond, the enemy being about half a mile in front. I have three regiments on the other bank guarding the rebuilding of the bridge. Keyes's corps is on the New-Kent road, near Bottom's Bridge. Heintzelman is on the same road, within supporting distance. Sumner is on the railroad, connecting right with left. Stoneman, with advanced-guard, is within one mile of New-Bridge. Franklin with two divisions, is about two miles this side of Stoneman. Porter's division, with the reserves of infantry and artillery, is within supporting distance. Headquarters will probably be at Coal Harbor to-morrow, one mile this side of Franklin. All the bridges over the Chickahominy are destroyed. The enemy are in force on every road leading to Richmond, within a mile or two west of the stream.

Their main body is on the road from New-Bridge, encamped along it for four or five miles, spreading over the open ground on both sides. Johnston's headquarters are about two miles beyond the bridge.

All accounts report their numbers as greatly exceeding our own. The position of the rebel forces, the declaration of the confederate authorities, the resolutions of the Virginia Legislature, the action of the city government, the conduct of the citizens, and all other sources of information accessible to me, give positive assurance that our approach to Richmond involves a desperate battle between the opposing armies.

All our divisions are moving toward the foe. I shall advance steadily and carefully, and attack them according to my best judgment, and in such manner as to employ my greatest force.

I regret the state of things as to General McDowell's command. We must beat the enemy in front of Richmond. One division added to this army for that effort would do more to protect Washington than his whole force can possibly do anywhere else in the field. The rebels are concentrating from all points for the two battles at Richmond and Corinth. I would still, most respectfully, suggest the policy of our concentrating here by movements on water. I have heard nothing as to the probabilities of the contemplated junction of McDowell's force with mine. I have no idea when he can start, what are his means of transportation, or when he may be expected to reach this vicinity. I fear there is little hope that he can join me overland in time for the coming battle. Delays on my part will be dangerous. I fear sickness and demoralization. This region is unhealthy for Northern men, and unless kept moving, I fear that our soldiers may become discouraged. At present our numbers are weakening from disease, but our men remain in good heart.

I regret also the configuration of the department of the Rappahannock. It includes a portion even of the city of Richmond. I think that my own department should embrace the entire field of military operations designed for the capture and occupation of that city.

Again, I agree with your Excellency that one bad general is better than two good ones.

I am not sure that I fully comprehend your orders of the seventeenth instant, addressed to myself and General McDowell. If a junction is effected before we occupy Richmond, it must necessarily be east of the railroad to Fredericksburgh and within my department. This fact, my superior rank, and the express language of the sixty-second article of war, will place his command under my orders, unless it is otherwise specially directed by your Excellency; and I consider that he will be under my command, except that I am not to detach any portion of his forces, or give any orders which can put him out of position to cover Washington. If I err in my construction, I desire to be at once set right. Frankness compels me to say, anxious as I am for an increase of force, that the march of McDowell's column upon Richmond by the shortest route will, in my opinion, uncover Washington, as to any interposition by it, as completely as its movement by water. The enemy cannot advance by Fredericksburgh on Washington.

Should they attempt a movement, which to me seems utterly improbable, their route would be by Gordonsville and Manassas. I desire that the extent of my authority over McDowell may be clearly defined, lest misunderstandings and conflicting views may produce some of those injurious results which a divided command has so often caused. I would respectfully suggest that this danger can only be surely guarded against

by explicitly placing General McDowell under my orders in the ordinary way, and holding me strictly responsible for the closest observance of your instructions. I hope, Mr. President, that it is not necessary for me to assure you that your instructions would be observed in the utmost good faith, and that I have no personal feelings which could influence me to disregard them in any particular.

I believe that there is a great struggle before this army, but I am neither dismayed nor discouraged. I wish to strengthen its force as much as I can, but in any event I shall fight it with all the skill, caution, and determination that I possess, and I trust that the result may either obtain for me the permanent confidence of my Government, or that it may close my career.

GEORGE B. MCCLELLAN,
Major-General Commanding.

His Excellency ABRAHAM LINCOLN,
President of the United States.

On the twenty-fourth I received the following reply:

May 24, 1862.—(From Washington, 24th.)

I left General McDowell's camp at dark last evening. Shields's command is there, but it is so worn that he cannot move before Monday morning, the twenty-sixth, (26th.) We have so thinned our line to get troops for other places that it was broken yesterday at Front Royal, with a probable loss to us of one (1) regiment infantry, two (2) companies cavalry, putting General Banks in some peril.

The enemy's forces, under General Anderson, now opposing General McDowell's advance, have, as their line of supply and retreat, the road to Richmond.

If, in conjunction with McDowell's movement against Anderson, you could send a force from your right to cut off the enemy's supplies from Richmond, preserve the railroad bridge across the two (2) forks of the Pamunkey and intercept the enemy's retreat, you will prevent the army now opposed to you from receiving an accession of numbers of nearly fifteen thousand (15,000) men; and if you succeed in saving the bridges, you will secure a line of railroad for supplies in addition to the one you now have. Can you not do this almost as well as not, while you are building the Chickahominy bridges? McDowell and Shields both say they can, and positively will, move Monday morning. *I wish you to move cautiously and safely.*

You will have command of McDowell, after he joins you, precisely as you indicated in your long despatch to us of the twenty-first, (21st.)

A. LINCOLN,
President.

Major-General G. B. McCLELLAN.

This information that McDowell's corps would march for Fredericksburgh on the following Monday, (the twenty-sixth,) and that he would be under my command, as indicated in my telegram of the twenty-first, was cheering news, and I now felt confident that we would on his arrival be suffi-

ciently strong to overpower the large army confronting us.

At a later hour on the same day I received the following:

May 24, 1862.—(From Washington, 4 p.m.)

In consequence of General Banks's critical position, I have been compelled to suspend General McDowell's movements to join you. The enemy are making a desperate push upon Harper's Ferry, and we are trying to throw General Fremont's force, and part of General McDowell's, in their rear.

A. LINCOLN,
President.

Major-General G. B. McCLELLAN.

From which it will be seen that I could not expect General McDowell to join me in time to participate in immediate operations in front of Richmond, and on the same evening I replied to the President that I would make my calculations accordingly.

It then only remained for me to make the best use of the forces at my disposal, and to avail myself of all artificial auxiliaries to compensate as much as possible for the inadequacy of men. I concurred fully with the President in the injunction contained in his telegram of the twenty-fourth, that it was necessary with my limited force to move "cautiously and safely." In view of the peculiar character of the Chickahominy, and the liability of its bottom-land to sudden inundation, it became necessary to construct between Bottom's Bridge and Mechanicsville eleven (11) new bridges, all long and difficult, with extensive log-way approaches.

The entire army could probably have been thrown across the Chickahominy immediately after our arrival, but this would have left no force on the left bank to guard our communications or to protect our right and rear. If the communication with our supply depot had been cut by the enemy, with our army concentrated upon the right bank of the Chickahominy, and the stage of water as it was for many days after our arrival, the bridges carried away, and our means of transportation not furnishing a single day's supplies in advance, the troops must have gone without rations, and the animals without forage, and the army would have been paralyzed.

It is true I might have abandoned my communications and pushed forward toward Richmond, trusting to the speedy defeat of the enemy and the consequent fall of the city for a renewal of supplies; but the approaches were fortified, and the town itself was surrounded with a strong line of intrenchments, requiring a greater length of time to reduce than our troops could have dispensed with rations.

Under these circumstances, I decided to retain a portion of the army on the left bank of the river until our bridges were completed.

It will be remembered that the order for the coöperation of General McDowell was simply suspended, not revoked, and therefore I was not at liberty to abandon the northern approach.

A very dashing and successful reconnoissance

was made near New-Bridge, on the twenty-fourth of May, by Lieutenant Bowon, topographical engineers, escorted by the Fourth Michigan volunteers and a squadron of the United States cavalry, commanded, respectively, by Colonel Woodbury and Captain Gordon.

Our troops encountered a Louisiana regiment, and with little loss drove it back upon its brigade, killing a large number and capturing several prisoners. Great credit is due to the staff-officers, as well as to Colonel Woodbury, Captain Gordon, and their commands, for their conduct on this occasion.

The work upon the bridges was commenced at once, and pushed forward with great vigor; but the rains, which from day to day continued to fall, flooded the valley, and raised the water to a greater height than had been known for twenty years.

This demolished a great amount of our labor, and our first bridges, with their approaches, which were not made with reference to such extreme high water, were carried off or rendered impassable. We were obliged, with immense labor, to construct others, much longer, more elevated, and stable; our men worked in the water, exposed to the enemy's fire from the opposite bank.

On the twenty-fifth of May I received the following telegram.

WASHINGTON, May 25, 1862.

Your despatch received. General Banks was at Strasburgh with about six thousand (6000) men, Shields having been taken from him to swell a column for McDowell to aid you at Richmond, and the rest of his force scattered at various places. On the twenty-third (23d) a rebel force of seven (7) to ten thousand (10,000) fell upon one regiment and two companies guarding the bridge at Port Royal, destroying it entirely; crossed the Shenandoah, and on the twenty-fourth, (24th,) yesterday, pushed on to get north of Banks on the road to Winchester. General Banks ran a race with them, beating them into Winchester yesterday evening. This morning a battle ensued between the two forces, in which General Banks was beaten back into full retreat toward Martinsburgh, and probably is broken up into a total rout. Geary, on the Manassas Gap Railroad, just now reports that Jackson is now near Front Royal with ten thousand (10,000) troops, following up and supporting, as I understand, the force now pursuing Banks. Also, that another force of ten thousand is near Orleans, following on in the same direction. Stripped bare, as we are here, I will do all we can to prevent them crossing the Potomac at Harper's Ferry or above. McDowell has about twenty thousand of his forces moving back to the vicinity of Port Royal; and Fremont, who was at Franklin, is moving to Harrisonburgh; both these movements intended to get in the enemy's rear.

One more of McDowell's brigades is ordered through here to Harper's Ferry; the rest of his forces remain for the present at Fredericksburgh. We are sending such regiments and drabs from

here and Baltimore as we can spare to Harper's Ferry, supplying their places in some sort, calling in militia from the adjacent States. We also have eighteen cannon on the road to Harper's Ferry, of which arm there is not a single one at that point. This is now our situation.

If McDowell's force was now beyond our reach, we should be entirely helpless. Apprehensions of something like this, and no unwillingness to sustain you, has always been my reason for withholding McDowell's forces from you.

Please understand this, and do the best you can with the forces you have.

A. LINCOLN,
President.

Major-General McCLELLAN.

On the twenty-fifth the following was also received:

WASHINGTON, May 25, 1862—2 P.M.

The enemy is moving north in sufficient force to drive General Banks before him; precisely in what force we cannot tell. He is also threatening Leesburgh, and Geary on the Manassas Gap Railroad, from both north and south; in precisely what force we cannot tell. I think the movement is a general and concerted one, such as would not be if he was acting upon the purpose of a very desperate defence of Richmond. I think the time is near when you must either attack Richmond or give up the job, and come to the defence of Washington. Let me hear from you instantly.

A. LINCOLN,
President.

Major-General McCLELLAN.

To which I replied as follows:

COAL HARBOR, May 25, 1862.

Telegram received. Independently of it, the time is very near when I shall attack Richmond. The object of the movement is probably to prevent reinforcements being sent to me. All the information obtained from balloons, deserters, prisoners, and contrabands, agrees in the statement that the mass of the rebel troops are still in the immediate vicinity of Richmond, ready to defend it. I have no knowledge of Banks's position and force, nor what there is at Manassas; therefore cannot form a definite opinion as to the force against him.

I have two corps across Chickahominy, within six miles of Richmond; the others on this side at other crossings within same distance, and ready to cross when bridges are completed.

G. B. McCLELLAN,
Major-General Commanding.

His Excellency, A. LINCOLN,
President.

On the twenty-sixth I received the following:

WASHINGTON, May 26, 1862—12.40 A.M.

We have General Banks's official report. He has saved his army and baggage, and has made a safe retreat to the river, and is probably safe at Williamsport. He reports the attacking force at fifteen thousand, (15,000.)

A. LINCOLN,
President.

Major-General McCLELLAN.

On the twenty-sixth I received the following:

WASHINGTON, May 26, 1862.

Can you not cut the Aquia Creek Railroad? Also, what impression have you as to intrenched works for you to contend with in front of Richmond? Can you get near enough to throw shells into the city?

A. LINCOLN,

Major-General G. B. McCLELLAN, President.

On the same day I sent the following:

COAL HARBOR, May 26, 1862.

Have cut the Virginia Central Road in three places between Hanover Court-House and the Chickahominy. Will try to cut the other. I do not think Richmond intrenchments formidable; but am not certain. Hope very soon to be within shelling distance. Have railroad in operation from White House to Chickahominy. Hope to have Chickahominy bridge repaired to-night. Nothing of interest to-day.

G. B. McCLELLAN,
Major-General Commanding.

His Excellency, A. LINCOLN,
President.

The interruption of the railroad, here referred to, was effected by the command of Brigadier-General Stoneman, and was intended to prevent the enemy from drawing supplies by that route, or from sending reinforcements to Anderson or Jackson.

At ten A.M. I sent also the following despatch:

Telegrams of last night received. I am glad to know affairs are not so bad as might have been. I would earnestly call your attention to my instructions to General Banks of March sixteenth, to General Wadsworth of the same date, and to my letter of April first, to the Adjutant-General. I cannot but think that a prompt return to the principles there laid down would relieve all probability of danger. I will forward copies by mail. I beg to urge the importance of Manassas and Front Royal in contradistinction to Fredericksburgh.

G. B. McCLELLAN,
Major-General.

His Excellency, A. LINCOLN,
President.

Later on the twenty-sixth I sent the following:

CAMP NEAR NEW-BRIDGE, }
May 26, 1862—7.30 P.M. }

Have arranged to carry out your last orders. We are quietly closing in upon the enemy, preparatory to the last struggle. Situated as I am, I feel forced to take every possible precaution against disaster, and to secure my flanks against the probably superior force in front of me. My arrangements for to-morrow are very important, and if successful, will leave me free to strike on the return of the force detached.

G. B. McCLELLAN,
Major-General.

His Excellency, A. LINCOLN,
President.

On the same day I received intelligence that a very considerable force of the enemy was in

the vicinity of Hanover Court-House, to the right and rear of our army, thus threatening our communications, and in a position either to reinforce Jackson, or to impede McDowell's junction, should he finally move to unite with us. On the same day I also received information from General McDowell, through the Secretary of War, that the enemy had fallen back from Fredericksburgh toward Richmond, and that General McDowell's advance was eight miles south of the Rappahannock. It was thus imperative to dislodge or defeat this force, independently even of the wishes of the President, as expressed in his telegram of the twenty-sixth. I intrusted this task to Brigadier-General Fitz-John Porter, commanding the Fifth corps, with orders to move at daybreak on the twenty-seventh.

Through a heavy rain and over bad roads, that officer moved his command as follows:

Brigadier-General W. H. Emory led the advance, with the Fifth and Sixth regiments United States cavalry and Benson's horse battery of the Second United States artillery, taking the road from New-Bridge *via* Mechanicsville, to Hanover Court-House.

General Morell's division, composed of the brigades of Martindale, Butterfield, and McQuade, with Berdan's regiment of sharpshooters, and three batteries, under Captain Charles Griffin, Fifth United States artillery, followed on the same road.

Colonel G. K. Warren, commanding a provisional brigade, composed of the Fifth and Thirteenth New-York, the First Connecticut artillery, acting as infantry, the Sixth Pennsylvania cavalry, and Weedon's Rhode Island battery, moved from his station at Old Church by a road running to Hanover Court-House, parallel to the Pamunkey.

After a fatiguing march of fourteen miles through the mud and rain, General Emory, at noon, reached a point about two miles from Hanover Court-House where the road forks to Ash land, and found a portion of the enemy formed in line across the Hanover Court-House road.

General Emory had, before this, been joined by the Twenty-fifth New-York (of Martinsdale's brigade) and Berdan's sharpshooters; these regiments were deployed with a section of Benson's battery, and advanced slowly toward the enemy until reinforced by General Butterfield with four regiments of his brigade, when the enemy was charged and quickly routed, one of his guns being captured by the Seventeenth New-York, under Colonel Lansing, after having been disabled by the fire of Benson's battery. The firing here lasted about an hour. The cavalry and Benson's battery were immediately ordered in pursuit, followed by Morell's infantry and artillery, with the exception of Martindale's brigade. Warren's brigade having been delayed by repairing bridges, etc., now arrived, too late to participate in this affair; a portion of this command was sent to the Pamunkey to destroy bridges, and captured quite a number of prisoners; the remainder followed Morell's division.

In the mean time General Martindale, with the few remaining regiments of his brigade and a section of artillery, advanced on the Ashland road, and found a force of the enemy's infantry, cavalry, and artillery, in position near Beake's Station, on the Virginia Central Railroad; he soon forced them to retire toward Ashland.

The Twenty-fifth New-York having been ordered to rejoin him, General Martindale was directed to form his brigade and move up the railroad to rejoin the rest of the command at Hanover Court-House.

He sent one regiment up the railroad, but remained with the Second Maine, afterward joined by the Twenty-fifth New-York, to guard the rear of the main column.

The enemy soon returned to attack General Martindale, who at once formed the Second Maine, Twenty-fifth New-York, and a portion of the Forty-fourth New-York, with one section of Martin's battery, on the New-Bridge road, facing his own position of the morning, and then held his ground for an hour against large odds until re-enforced.

General Porter was at Hanover Court-House, near the head of his column, when he learned that the rear had been attacked by a large force. He at once faced the whole column about, recalled the cavalry sent in pursuit toward Ashland, moved the Thirteenth and Fourteenth New-York and Griffin's battery direct to Martindale's assistance, pushed the Ninth Massachusetts and Sixty-second Pennsylvania, of McQuade's brigade, through the woods on the right, (our original left), and attacked the flank of the enemy, while Butterfield, with the Eighty-third Pennsylvania and Sixteenth Michigan, hastened toward the scene of action by the railroad, and through the woods, further to the right, and completed the rout of the enemy. During the remainder of this and the following day our cavalry was active in the pursuit, taking a number of prisoners.

Captain Harrison, of the Fifth United States cavalry, with a single company, brought in as prisoners two entire companies of infantry with their arms and ammunition. A part of Rush's Lancers also captured an entire company with their arms.

The immediate results of these affairs were, some two hundred of the enemy's dead buried by our troops, seven hundred and thirty prisoners sent to the rear, one twelve-pound howitzer, one caisson, a large number of small arms, and two railroad trains, captured.

Our loss amounted to fifty-three killed, three hundred and forty-four wounded and missing.

The force encountered and defeated was General Branch's division, of North-Carolina and Georgia troops, supposed to have been some nine thousand strong. Their camp at Hanover Court-House was taken and destroyed.

Having reason to believe that General Anderson, with a strong force, was still at Ashland, I ordered General Sykes's division of regulars to *move on the twenty-eighth* from New-Bridge to-

ward Hanover Court-House, to be in position to support General Porter. They reached a point within three miles of Hanover Court-House, and remained there until the evening of the twenty-ninth, when they returned to their original camp.

On the twenty-eighth General Stoneman's command of cavalry, horse artillery, and two regiments of infantry, were also placed under General Porter's orders.

On the same day I visited Hanover Court-House, whence I sent the following despatch:

HANOVER COURT-HOUSE, May 28—3 P.M.

Porter's action of yesterday was truly a glorious victory; too much credit cannot be given to his magnificent division and its accomplished leader. The rout of the rebels was complete; not a defeat, but a complete rout. Prisoners are constantly coming in; two companies have this moment arrived with excellent arms.

There is no doubt that the enemy are concentrating every thing on Richmond. I will do my best to cut off Jackson, but am doubtful whether I can.

It is the policy and duty of the Government to send me by water all the well-drilled troops available. I am confident that Washington is in no danger. Engines and cars in large numbers have been sent up to bring down Jackson's command.

I may not be able to cut them off, but will try; we have cut all but the Fredericksburgh and Richmond Railroad. The real issue is in the battle about to be fought in front of Richmond. All our available troops should be collected here, not raw regiments, but the well-drilled troops. It cannot be ignored that a desperate battle is before us; if any regiments of good troops remain unemployed, it will be an irreparable fault committed.

G. B. McCLELLAN,
Major-General.

Hon. E. M. STANTON,
Secretary of War.

Having ascertained the state of affairs, instructions were given for the operations of the following day.

On the twenty-eighth a party under Major Williams, Sixth United States cavalry, destroyed the common road bridges over the Pamunkey, and Virginia Central Railroad bridge over the South-Anna.

On the twenty-ninth he destroyed the Fredericksburgh and Richmond railroad bridge over the South-Anna, and the turnpike bridge over the same stream.

On the same day, and mainly to cover the movement of Major Williams, General Emory moved a column of cavalry toward Ashland, from Hanover Court-House. The advance of this column under Captain Chambliss, Fifth United States cavalry, entered Ashland, driving out a party of the enemy, destroyed the railroad bridge over Stony Creek, broke up the railroad and telegraph.

Another column of all arms, under Colonel Warren, was sent on the same day by the direct

road to Ashland, and entered it shortly after General Emory's column had retired, capturing a small party there.

General Stoneman on the same day moved on Ashland by Leach's Station, covering well the movements of the other columns.

The objects of the expedition having been accomplished, and it being certain that the First corps would not join us at once, General Porter withdrew his command to their camps with the main army on the evening of the twenty-ninth.

On the night of the twenty-seventh and twenty-eighth I sent the following despatch to the Secretary of War:

HEADQUARTERS ARMY OF THE POTOMAC,
CAMP NEAR NEW-BRIDGE, May 28, 1862—12.30 A.M. }

Porter has gained two complete victories over superior forces, yet I feel obliged to move in the morning with reinforcements to secure the complete destruction of the rebels in that quarter. In doing so, I run some risk here, but I cannot help it. The enemy are even in greater force than I had supposed. I will do all that quick movements can accomplish, but you must send me all the troops you can, and leave to me full latitude as to choice of commanders. It is absolutely necessary to destroy the rebels near Hanover Court-House before I can advance.

G. B. McCLELLAN,
Major-General.

Hon E. M. STANTON,
Secretary of War.

In reply to which, I received the following from the President:

WASHINGTON, May 29, 1862.

I am very glad of General F. J. Porter's victory; still, if it was a total rout of the enemy, I am puzzled to know why the Richmond and Fredericksburgh Railroad was not seized again, as you say you have all the railroads but the Richmond and Fredericksburgh. I am puzzled to see how, lacking that, you can have any, except the scrap from Richmond to West-Point. The scrap of the Virginia Central, from Richmond to Hanover Junction, without more, is simply nothing. That the whole of the enemy is concentrating on Richmond, I think, cannot be certainly known to you or me. Saxton, at Harper's Ferry, informs us that large forces, supposed to be Jackson's and Ewell's, forced his advance from Charlestown to day. General King telegraphs us from Fredericksburgh that contrabands give certain information that fifteen thousand left Hanover Junction Monday morning to reinforce Jackson. I am painfully impressed with the importance of the struggle before you, and shall aid you all I can consistently with my view of due regard to all points.

A. LINCOLN.

Major-General McCLELLAN.

At six P.M. of the twenty-ninth I sent the Secretary of War the following despatch:

HEADQUARTERS ARMY OF THE POTOMAC,
May 29, 1862—6 P.M. }

General Porter has gained information that General Anderson left his position in vicinity of

Fredericksburgh at four A.M. Sunday, with the following troops: First South-Carolina, Colonel Hamilton; one battalion South-Carolina rifles; Thirty-fourth and Thirty-eighth North-Carolina; Forty-fifth Georgia; Twelfth, Thirteenth and Fourteenth South-Carolina; Third Louisiana; two batteries of four guns each, namely, Letcher's Virginia and McIntosh's South-Carolina batteries. General Anderson and his command passed Ashland yesterday evening *en route* for Richmond, leaving men behind to destroy bridges over the telegraph road which they travelled. This information is reliable. It is also positively certain that Branch's command was from Gordonsville, bound for Richmond, whither they have now gone.

It may be regarded as positive, I think, that there is no rebel force between Fredericksburgh and Junction.

G. B. McCLELLAN,
Major-General.

Hon E. M. STANTON,
Secretary of War.

The following was also sent on the same day:

HEADQUARTERS ARMY OF THE POTOMAC,
May 29, 1862. }

A detachment from General F. J. Porter's command, under Major Williams, Sixth cavalry, destroyed the South-Anna railroad bridge at about nine A.M. to day; a large quantity of confederate public property was also destroyed at Ashland this morning.

R. B. MARCY,
Chief of Staff.

Hon E. M. STANTON,
Secretary of War.

In reply to which the following was received:

WASHINGTON, May 29, 1862.

Your despatch as to the South-Anna and Ashland being seized by our forces this morning is received. Understanding these points to be on the Richmond and Fredericksburgh Railroad, I heartily congratulate the country, and thank General McClellan and his army for their seizure.

A. LINCOLN.

General R. B. MARCY.

On the thirtieth I sent the following:

HEADQUARTERS ARMY OF THE POTOMAC,
May 30, 1862. }

From the tone of your despatches, and the President's, I do not think that you at all appreciate the value and magnitude of Porter's victory. It has entirely relieved my right flank, which was seriously threatened; routed and demoralized a considerable portion of the rebel forces; taken over seven hundred and fifty prisoners; killed and wounded large numbers; one gun, many small arms, and much baggage taken. It was one of the handsomest things in the war, both in itself and in its results. Porter has returned, and my army is again well in hand. Another day will make the probable field of battle passable for artillery. It is quite certain that there is nothing in front of McDowell at Fredericksburgh. I regard the burning of South-Anna

bridges as the least important result of Porter's movement.

G. B. McCLELLAN,
Major-General.

Hon E. M. STANTON,
Secretary of War.

The results of this brilliant operation of General Porter were the dispersal of General Branch's division, and the clearing of our right flank and rear. It was rendered impossible for the enemy to communicate by rail with Fredericksburgh, or with Jackson *via* Gordonsville, except by the very circuitous route of Lynchburgh, and the road was left entirely open for the advance of McDowell had he been permitted to join the army of the Potomac. His withdrawal toward Front Royal was, in my judgment, a serious and fatal error; he could do no good in that direction, while, had he been permitted to carry out the orders of May seventeenth, the united forces would have driven the enemy within the immediate intrenchments of Richmond before Jackson could have returned to its succor, and probably would have gained possession promptly of that place. I respectfully refer to the reports of General Porter and his subordinate commanders for the names of the officers who deserve especial mention for the parts they took in these affairs, but I cannot omit here my testimony to the energy and ability here displayed by General Porter on this occasion, since to him is mainly due the successes there gained.

On the twentieth of May, a reconnoissance was ordered on the south side of the Chickahominy toward James River. This was accomplished by Brigadier-General H. M. Naglee, who crossed his brigade near Bottom's Bridge, and pushed forward to within two miles of James River without serious resistance, or finding the enemy in force. The rest of the Fourth corps, commanded by General E. D. Keyes, crossed the Chickahominy on the twenty-third of May.

On the twenty-fourth, twenty-fifth, and twenty-sixth, a very gallant reconnoissance was pushed by General Naglee, with his brigade, beyond the Seven Pines, and on the twenty-fifth the Fourth corps was ordered to take up and fortify a position in the vicinity of the Seven Pines. The order was at once obeyed; a strong line of rifle-pits opened, and an abatis constructed a little in the rear of the point where the Nine-Mile road comes into the Williamsburgh road.

On the same day General Heintzelman was ordered to cross with his corps, (the Third,) and take a position two miles in advance of Bottom's Bridge, watching the crossing of White Oak Swamp, and covering the left and the rear of the left wing of the army. Being the senior officer on that side of the river, he was placed in command of both corps, and ordered to hold the Seven Pines at all hazards, but not to withdraw the troops from the crossings of White Oak Swamp unless in an emergency.

On the twenty-eighth, General Keyes was ordered to advance Casey's division to Fair Oaks, on the Williamsburgh road, some three quarters of a mile in front of the Seven Pines, leaving

General Couch's division at the line of rifle-pits. A new line of rifle-pits and a small redoubt for six field-guns were commenced, and much of the timber in front of this line was felled on the two days following. The picket-line was established, reaching from the Chickahominy to White Oak Swamp.

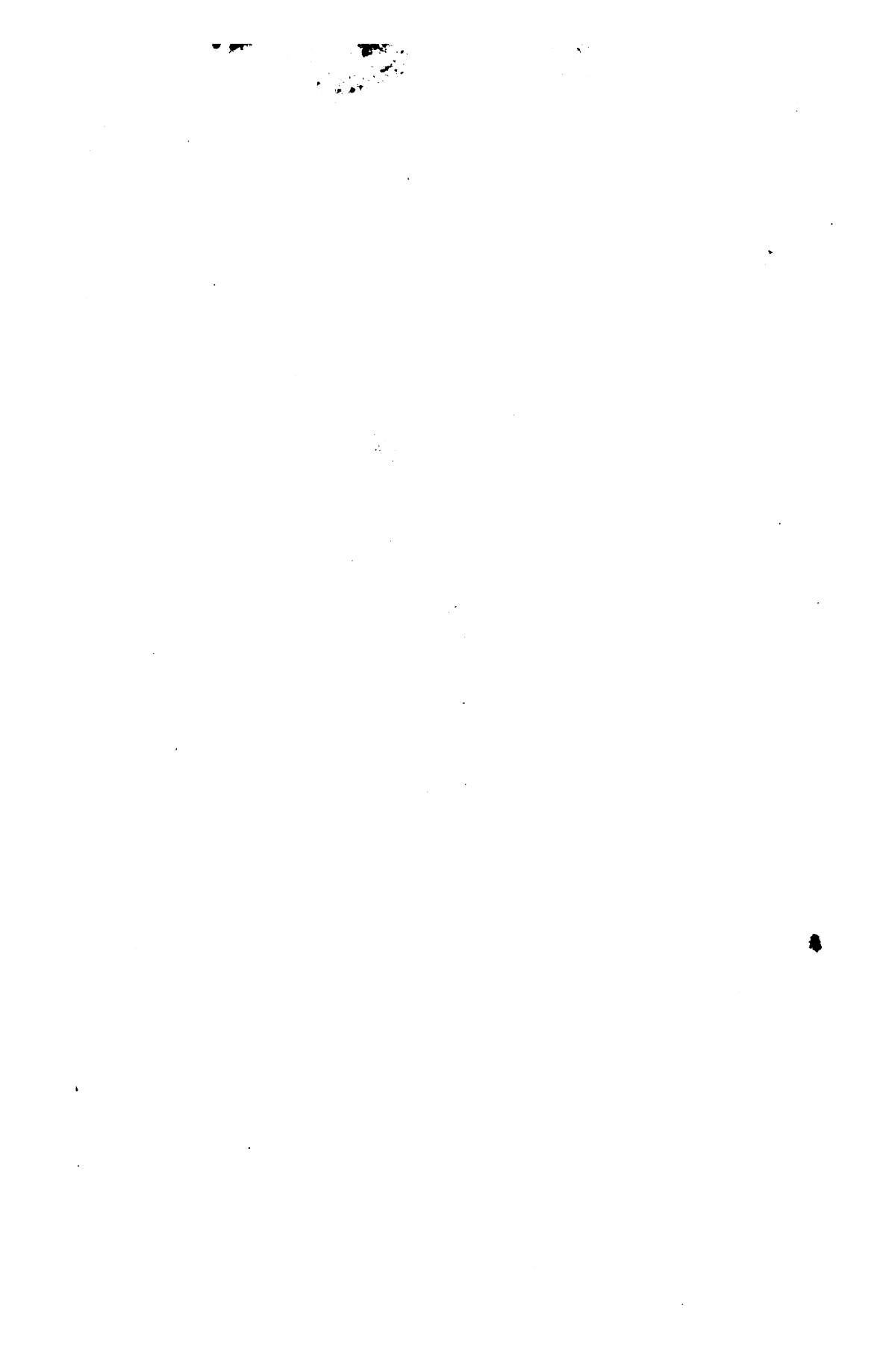
On the thirtieth, General Heintzelman, representing that the advance had met with sharp opposition in taking up their position, and that he considered the point a critical one, requested and obtained authority to make such dispositions of his troops as he saw fit to meet the emergency. He immediately advanced two brigades of Kearny's division about the fourth of a mile in front of Savage's Station, thus placing them within supporting distance of Casey's division, which held the advance of the Fourth corps.

On the thirtieth, the troops on the south side of the Chickahominy were in position as follows: Casey's division on the right of the Williamsburgh road, at right angles to it, the centre at Fair Oaks; Couch's division at the Seven Pines; Kearny's division on the railroad, from near Savage's Station toward the bridge; Hooker's division on the borders of White Oak Swamp. Constant skirmishing had been kept up between our pickets and those of the enemy; while these lines were being taken up and strengthened, large bodies of confederate troops were seen immediately to the front and right of Casey's position.

During the day and night of the thirtieth of May a very violent storm occurred, the rain falling in torrents rendered work on the rifle-pits and bridges impracticable; made the roads almost impassable, and threatened the destruction of the bridges over the Chickahominy.

The enemy perceiving the unfavorable position in which we were placed, and the possibility of destroying that part of our army which was apparently cut off from the main body by the rapidly rising stream, threw an overwhelming force (grand divisions of Generals D. H. Hill, Huger, Longstreet, and G. W. Smith) upon the position occupied by Casey's division.

It appears from the official reports of General Keyes and his subordinate commanders that at ten o'clock a.m. on the thirty-first of May an aide-camp of General J. E. Johnston was captured by General Naglee's pickets. But little information as to the movements of the enemy was obtained from him, but his presence so near our lines excited suspicion and caused increased vigilance, and the troops were ordered by General Keyes to be under arms at eleven o'clock. Between eleven and twelve o'clock it was reported to General Casey that the enemy were approaching in considerable force on the Williamsburgh road. At this time Casey's division was disposed as follows: Naglee's brigade extending from the Williamsburgh road to the Garnett Field, having one regiment across the railroad; General Wessel's brigade in the rifle-pits, and General Palmer's in the rear of General Wessel's; one battery of artillery in advance with

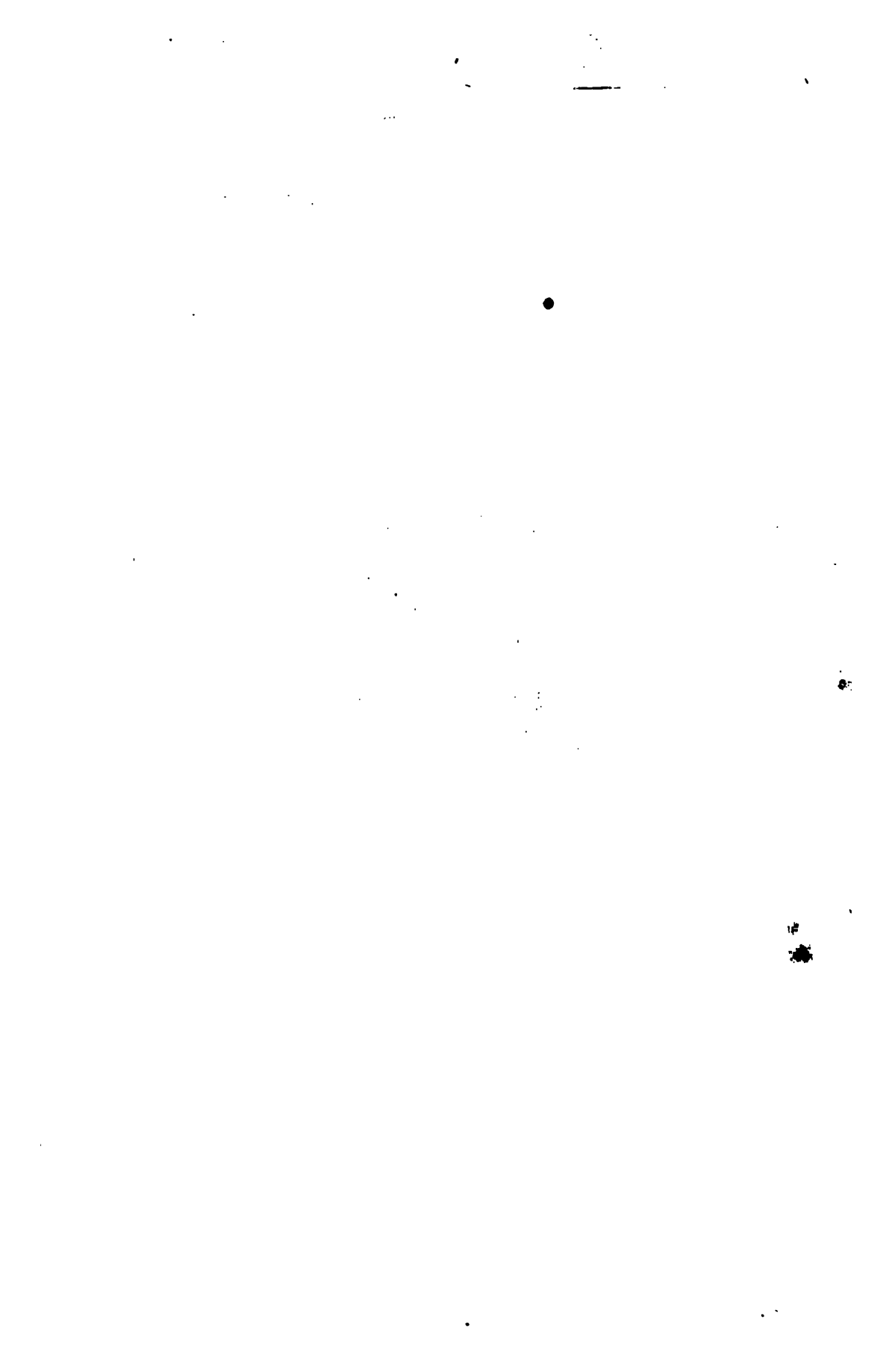




Noah H. Ferry

MAJOR NOAH H. FERRY.

5th MICHIGAN CAV.





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5th MICHIGAN CAV.



General G. H. F. 1860

General Naglee; one battery in rear of rifle-pits to the right of the redoubt; one battery in rear of the redoubt, and another battery unharnessed in the redoubt. General Couch's division, holding the second line, had General Abercrombie's brigade on the right, along the Nine-Mile road, with two regiments and one battery across the railroad near Fair Oaks Station; General Peck's brigade on the right, and General Devens's in the centre.

On the approach of the enemy, General Casey sent forward one of General Palmer's regiments to support the picket-line, but this regiment gave way without making much, if any, resistance. Heavy firing at once commenced, and the pickets were driven in. General Keyes ordered General Couch to move General Peck's brigade to occupy the ground on the left of the Williamsburgh road, which had not before been occupied by our forces, and thus to support General Casey's left, where the first attack was the most severe. The enemy now came on in heavy force, attacking General Casey simultaneously in front and on both flanks. General Keyes sent to General Heintzelman for reinforcements, but the messenger was delayed, so that orders were not sent to Generals Kearny and Hooker until nearly three o'clock, and it was nearly five p.m. when Generals Jameson and Berry's brigades of General Kearny's division arrived on the field. General Birney was ordered up the railroad, but by General Kearny's order halted his brigade before arriving at the scene of action. Orders were also despatched for General Hooker to move up from White Oak Swamp, and he arrived after dark at Savage's Station.

As soon as the firing was heard at headquarters, orders were sent to General Sumner to get his command under arms and be ready to move at a moment's warning. His corps, consisting of Generals Richardson's and Sedgwick's divisions, was encamped on the north side of the Chickahominy, some six miles above Bottom's Bridge; each division had thrown a bridge over the stream opposite to its own position.

At one o'clock General Sumner moved the two divisions to their respective bridges, with instructions to halt and await further orders. At two o'clock orders were sent from headquarters to cross these divisions without delay, and push them rapidly to General Heintzelman's support. This order was received and communicated at half-past two, and the passage was immediately commenced. In the mean time General Naglee's brigade, with the batteries of General Casey's division, which General Naglee directed, struggled gallantly to maintain the redoubt and rifle-pits against the overwhelming masses of the enemy. They were reinforced by a regiment from General Peck's brigade. The artillery under command of Colonel G. D. Bailey, First New-York artillery, and afterward of General Naglee, did good execution on the advancing column. The left of this position was, however, soon turned, and a sharp cross-fire opened upon the gunners and men in the rifle-pits. Colonel Bailey, Major

S. D. 87.

Van Valkenberg, and Adjutant Ramsey, of the same regiment, were killed; some of the guns in the redoubt were taken, and the whole line was driven back upon the position occupied by General Couch. The brigades of Generals Wessel and Palmer, with the reinforcements which had been sent them from General Couch, had also been driven from the field with heavy loss, and the whole position occupied by General Casey's division was taken by the enemy.

Previous to this time General Keyes ordered General Couch to advance two regiments to relieve the pressure upon General Casey's right flank. In making this movement, General Couch discovered large masses of the enemy pushing toward our right, and crossing the railroad, as well as a heavy column which had been held in reserve, and which was now making its way toward Fair Oaks Station. General Couch at once engaged this column with two regiments; but, though reinforced by two additional regiments, he was overpowered, and the enemy pushed between him and the main body of his division. With these four regiments and one battery General Couch fell back about half a mile toward the Grapevine bridge, where, hearing that General Sumner had crossed, he formed line of battle facing Fair Oaks Station, and prepared to hold the position.

Generals Berry and Jameson's brigades had by this time arrived in front of the Seven Pines. General Berry was ordered to take possession of the woods on the left, and push forward so as to have a flank fire on the enemy's lines. This movement was executed brilliantly, General Berry pushing his regiments forward through the woods until their rifles commanded the left of the camp and works occupied by General Casey's division in the morning. Their fire on the pursuing columns of the enemy was very destructive, and assisted materially in checking the pursuit in that part of the field. He held his position in these woods against several attacks of superior numbers, and after dark, being cut off by the enemy from the main body, he fell back toward White Oak Swamp, and by a circuit brought his men into our lines in good order.

General Jameson, with two regiments, (the other two of his brigade having been detached—one to General Peck and one to General Birney,) moved rapidly to the front on the left of the Williamsburgh road, and succeeded for a time in keeping the abatis clear of the enemy. But large numbers of the enemy pressing past the right of his line, he too was forced to retreat through the woods toward White Oak Swamp, and in that way gained camp under cover of night.

Brigadier-General Devens, who had held the centre of General Couch's division, had made repeated and gallant efforts to regain portions of the ground lost in front, but each time was driven back, and finally withdrew behind the rifle-pits near Seven Pines.

Meantime General Sumner had arrived with the advance of his corps, General Sedgwick's division, at the point held by General Couch with four re-

giments and one battery. The roads leading from the bridge were so miry that it was only by the greatest exertion General Sedgwick had been able to get one of his batteries to the front.

The leading regiment (First Minnesota, Colonel Sully) was immediately deployed to the right of Couch, to protect the flank, and the rest of the division formed in line of battle, Kirby's battery near the centre, in an angle of the woods. One of General Couch's regiments was sent to open communication with General Heintzelman. No sooner were these dispositions made than the enemy came in strong force and opened a heavy fire along the line. He made several charges, but was each time repulsed with great loss by the steady fire of the infantry and the splendid practice of the battery. After sustaining the enemy's fire for a considerable time, General Sumner ordered five regiments (the Thirty-fourth New-York, Colonel Senter; Eighty-second New-York, Lieutenant-Colonel Hudson; Fifteenth Massachusetts, Lieutenant-Colonel Kimball; Twentieth Massachusetts, Colonel Lee; Seventh Michigan, Major Richardson—the three former of General Gorman's brigade, the two latter of General Dana's brigade) to advance and charge with the bayonet. This charge was executed in the most brilliant manner. Our troops, springing over two fences which were between them and the enemy, rushed upon his lines, and drove him in confusion from that part of the field. Darkness now ended the battle for that day.

During the night dispositions were made for its early renewal. General Couch's division, and so much of General Casey's as could be collected together, with General Kearny's, occupied the rifle-pits near Seven Pines. General Peck, in falling back on the left, had succeeded late in the afternoon in rallying a considerable number of stragglers, and was taking them once more into the action, when he was ordered back to the intrenched camp by General Kearny. General Hooker brought up his division about dark, having been delayed by the heaviness of the roads and the throng of fugitives from the field, through whom the colonel of the leading regiment (Starr) reports he "was obliged to force his way with the bayonet." The division bivouacked for the night in rear of the right of the rifle-pits, on the other side of the railroad. General Richardson's division also came upon the field about sunset. He had attempted the passage of the Chickahominy by the bridge opposite his own camp, but it was so far destroyed that he was forced to move Generals Howard and Meagher's brigades with all his artillery, around by General Sedgwick's bridge, while General French's brigade, with the utmost difficulty, crossed by the other. General Sedgwick's division, with the regiments under General Couch, held about the same position as when the fight ceased, and General Richardson on his arrival was ordered to place his division on the left to connect with General Kearny; General French's brigade was posted along the railroad, and Generals Howard and Meagher's brigades in second and third lines. All his artillery had been

left behind, it being impossible to move it forward through the deep mud as rapidly as the infantry pushed toward the field, but during the night the three batteries of the division were brought to the front.

About five o'clock on the morning of the first of June, skirmishers and some cavalry of the enemy were discovered in front of General Richardson's division. Captain Pettit's battery, (B, First New-York,) having come upon the ground, threw a few shells among them, when they dispersed. There was a wide interval between General Richardson and General Kearny. To close this, General Richardson's line was extended to the left and his first line moved over the railroad. Scarcely had they gained the position, when the enemy appearing in large force from the woods in front, opened a heavy fire of musketry at short-range along the whole line. He approached very rapidly with columns of attack formed on two roads which crossed the railroad. These columns were supported by infantry in line of battle on each side, cutting General French's line. He threw out no skirmishers, but appeared determined to carry all before him by one crushing blow. For nearly an hour the first line of General Richardson's division stood and returned the fire, the lines of the enemy being reinforced and relieved time after time, till finally General Howard was ordered with his brigade to go to General French's assistance. He led his men gallantly to the front, and in a few minutes the fire of the enemy ceased and his whole line fell back on that part of the field. On the opening of the firing in the morning, General Hooker pushed forward on the railroad with two regiments, (Fifth and Sixth New-Jersey,) followed by General Sickles's brigade. It was found impossible to move the artillery of this division from its position on account of the mud. On coming near the woods, which were held by the enemy in force, General Hooker found General Birney's brigade, Colonel J. Hobart Ward in command, in line of battle. He sent back to hasten General Sickles's brigade, but ascertained that it had been turned off to the left by General Heintzelman to meet a column advancing in that direction. He at once made the attack with the two New-Jersey regiments, calling upon Colonel Ward to support him with General Birney's brigade. This was well done, our troops advancing into the woods under a heavy fire, and pushing the enemy before them for more than an hour of hard fighting. A charge with the bayonet was then ordered by General Hooker with the Fifth and Sixth New-Jersey, Third Maine, and Thirty-eighth and Fortieth New-York, and the enemy fled in confusion, throwing down arms and even clothing in his flight. General Sickles, having been ordered to the left, formed line of battle on both sides of the Williamsburgh road and advanced under a sharp fire from the enemy, deployed in the woods in front of him; after a brisk interchange of musketry-fire while crossing the open ground, the Excelsior brigade dashed into the timber with the bayonet and put the enemy to flight.

On the right the enemy opened fire after half an hour's cessation, which was promptly responded to by General Richardson's division. Again the most vigorous efforts were made to break our line, and again they were frustrated by the steady courage of our troops. In about an hour General Richardson's whole line advanced, pouring in their fire at close-range, which threw the line of the enemy back in some confusion. This was followed up by a bayonet-charge led by General French in person, with the Fifty-seventh and Sixty-sixth New-York, supported by two regiments sent by General Heintzelman, the Seventy-first and Seventy-third New-York, which turned the confusion of the enemy into precipitated flight. One gun captured the previous day was retaken.

Our troops pushed forward as far as the lines held by them on the thirty-first before the attack. On the battle-field there were found many of our own and the confederate wounded, arms, caissons, wagons, subsistence stores, and forage, abandoned by the enemy in his rout. The state of the roads and impossibility of manœuvring artillery prevented further pursuit. On the next morning a reconnoissance was sent forward, which pressed back the pickets of the enemy to within five miles of Richmond; but again the impossibility of forcing even a few batteries forward precluded our holding permanently this position. The lines held previous to the battle were therefore resumed. General J. E. Johnston reports loss of the enemy in Longstreet's and G. W. Smith's divisions at four thousand two hundred and eighty-three; General D. H. Hill, who had taken the advance in the attack, estimates his loss at two thousand five hundred; which would give the enemy's loss six thousand seven hundred and eighty-three. Our loss was, in General Sumner's corps, one thousand two hundred and twenty-three; General Heintzelman's corps, one thousand three hundred and ninety-four; General Keyes's corps, three thousand one hundred and twenty—total, five thousand seven hundred and thirty-seven.

Previous to the arrival of General Sumner upon the field of battle, on the thirty-first of May, General Heintzelman, the senior corps commander present, was in the immediate command of the forces engaged. The first information I received that the battle was in progress was a despatch from him stating that Casey's division had given way. During the night of the thirty-first I received a despatch from him, dated forty-five minutes past eight p.m. in which he says: "I am just in. When I got to the front the most of General Casey's division had dispersed. . . . The rout of General Casey's men had a most dispiriting effect on the troops as they came up. I saw no reason why we should have been driven back."

This official statement, together with other accounts received previous to my arrival upon the battle-field, to the effect that Casey's division had given way without making proper resistance, caused me to state, in a telegram to the Secretary of War on the first, that this division "gave way

unaccountably and discredibly." Subsequent investigations, however, greatly modified the impressions first received, and I accordingly advised the Secretary of War of this in a despatch on the fifth of June.

The official reports of Generals Keyes, Casey, and Naglee* show that a very considerable portion of this division fought well, and that the brigade of General Naglee is entitled to credit for its gallantry. This division, among the regiments of which were eight of comparatively new troops, was attacked by superior numbers; yet, according to the reports alluded to, it stood the attack "for three hours before it was reinforced." A portion of the division was thrown into great confusion upon the first onslaught of the enemy; but the personal efforts of General Naglee, Colonel Bailey, and other officers, who boldly went to the front and encouraged the men by their presence and example, at this critical juncture, rallied a great part of the division, and thereby enabled it to act a prominent part in this severely contested battle. It therefore affords me great satisfaction to withdraw the expression contained in my first despatch, and I cordially give my indorsement to the conclusion of the division commander, "that those parts of his command which behaved discredibly were exceptional cases."

On the thirty-first, when the battle of Fair Oaks commenced, we had two of our bridges nearly completed; but the rising waters flooded the log-way approaches and made them almost impassable, so that it was only by the greatest efforts that General Sumner crossed his corps and participated in that hard-fought engagement. The bridges became totally useless after this corps had passed, and others on a more permanent plan were commenced.

On my way to headquarters, after the battle of Fair Oaks, I attempted to cross the bridge where General Sumner had taken over his corps on the day previous. At the time General Sumner crossed this was the only available bridge above Bottom's Bridge. I found the approach from the right bank for some four hundred yards submerged to the depth of several feet, and on reaching the place where the bridge had been, I found a great part of it carried away, so that I could not get my horse over, and was obliged to send him to Bottom's Bridge, six miles below, as the only practicable crossing.

The approaches to New and Mechanicsville bridges, were also overflowed, and both of them were enfiladed by the enemy's batteries established upon commanding heights on the opposite side. These batteries were supported by strong forces of the enemy, having numerous rifle-pits in their front, which would have made it necessary, even had the approaches been in the best possible condition, to have fought a sanguinary battle, with but little prospect of success, before a passage could have been secured.

The only available means, therefore, of uniting our forces at Fair Oaks for an advance on Richmond soon after the battle, was to march the

* See these Reports, pages 72-82 Docs., Vol. V. R. M. B. Co.

troops from Mechanicsville, and other points, on the left bank of the Chickahominy down to Bottom's Bridge, and thence over the Williamsburgh road to the position near Fair Oaks, a distance of about twenty-three (23) miles. In the condition of the roads at that time this march could not have been made with artillery in less than two days, by which time the enemy would have been secure within his intrenchments around Richmond. In short, the idea of uniting the two wings of the army in time to make a vigorous pursuit of the enemy, with the prospect of overtaking him before he reached Richmond, only five miles distant from the field of battle, is simply absurd, and was, I presume, never for a moment seriously entertained by any one connected with the army of the Potomac. An advance, involving the separation of the two wings by the impassable Chickahominy, would have exposed each to defeat in detail. Therefore I held the position already gained, and completed our crossings as rapidly as possible.

In the mean time the troops at Fair Oaks were directed to strengthen their positions by a strong line of intrenchments, which protected them while the bridges were being built, gave security to the trains, liberated a larger fighting force, and offered a safer retreat in the event of disaster.

On the second of June I sent the following despatch:

HEADQUARTERS ARMY OF THE POTOMAC, }
NEW-BRIDGE, JUNE 2, 1862—10.30 A.M. }

Our left is everywhere advanced considerably beyond the positions it occupied before the battle. I am in strong hopes that the Chickahominy will fall sufficiently to enable me to cross the right. We have had a terrible time with our communications—bridges and causeways, built with great care, having been washed away by the sudden freshets, leaving us almost cut off from communication. All that human labor can do is being done to accomplish our purpose.

Please regard the portion of this relating to condition of Chickahominy as confidential, as it would be serious if the enemy were aware of it. I do not yet know our loss; it has been very heavy on both sides, as the fighting was desperate. Our victory complete. I expect still more fighting before we reach Richmond.

G. B. McCLELLAN, Major-General.
Hon. E. M. STANTON, Secretary of War.

On the same day I received the following from the Secretary of War:

WASHINGTON, June 2, 1862.

Your telegram has been received, and we are greatly rejoiced at your success—not only in itself, but because of the dauntless spirit and courage it displays in your troops. You have received, of course, the order made yesterday in respect to Fortress Monroe. The object was to place at your command the disposable force of that department. The indications are that Fremont or McDowell will fight Jackson to-day, and as soon as he is disposed of another large body of troops will be at your service.

The intelligence from Halleck shows that the rebels are fleeing, and pursued in force, from Corinth. All interest now centres in your operations, and full confidence is entertained of your brilliant and glorious success.

EDWIN M. STANTON, Secretary of War.
Major-General McCLELLAN.

On the third I received the following from the President:

WASHINGTON, June 3, 1862.

With these continuous rains, I am very anxious about the Chickahominy—so close in your rear, and crossing your line of communication. Please look to it.

ABRAHAM LINCOLN, President.
Major-General McCLELLAN.

To which I replied as follows:

HEADQUARTERS ARMY OF THE POTOMAC, }
NEW-BRIDGE, JUNE 3, 1862. }

Your despatch of five P.M., just received. As the Chickahominy has been almost the only obstacle in my way for several days, your Excellency may rest assured that it has not been overlooked. Every effort has been made, and will continue to be, to perfect the communications across it. Nothing of importance, except that it is again raining.

G. B. McCLELLAN, Major-General Commanding.
A. LINCOLN, President, Washington.

My views of the condition of our army on the fourth are explained in the following despatch to the President:

HEADQUARTERS ARMY OF THE POTOMAC, }
NEW-BRIDGE, JUNE 4, 1862. }

Terrible rain, storm during the night and morning—not yet cleared off. Chickahominy flooded, bridges in bad condition. Are still hard at work at them. I have taken every possible step to insure the security of the corps on the right bank, but I cannot reinforce them here until my bridges are all safe, as my force is too small to insure my right and rear, should the enemy attack in that direction, as they may probably attempt. I have to be very cautious now. Our loss in the late battle will probably exceed (5000) five thousand. I have not yet full returns. On account of the effect it might have on our own men and the enemy, I request that you will regard this information as confidential for a few days. I am satisfied that the loss of the enemy was very considerably greater; they were terribly punished. I mention these facts now merely to show you that the army of the Potomac has had serious work, and that no child's play is before it.

You must make your calculations on the supposition that I have been correct from the beginning in asserting that the serious opposition was to be made here.

G. B. McCLELLAN, Major-General Commanding.
A. LINCOLN, President.

And in the following to the Secretary of War, on the same day :

HEADQUARTERS ARMY OF THE POTOMAC, }
NEW-BRIDGE, June 4, 1862. }

Please inform me at once what reinforcements, if any, I can count upon having at Fortress Monroe or White House within the next three days, and when each regiment may be expected to arrive. It is of the utmost importance that I should know this immediately. The losses in the battle of the thirty-first and first will amount to (7000) seven thousand. Regard this as confidential for the present.

If I can have (5) five new regiments for Fort Monroe and its dependencies, I can draw (3) three more old regiments from there safely. I can well dispose of four more raw regiments on my communications. I can well dispose of from (15) fifteen to (20) twenty well-drilled regiments among the old brigades in bringing them up to their original effective strength. Recruits are especially necessary for the regular and volunteer batteries of artillery, as well as for the regular and volunteer regiments of infantry. After the losses in our last battle, I trust that I will no longer be regarded as an alarmist. I believe we have at least one more desperate battle to fight.

G. B. McCLELLAN,
Major-General Commanding.

Hon. E. M. STANTON,
Secretary of War.

Also in my despatch to the Secretary of War, on the fifth :

HEADQUARTERS ARMY OF THE POTOMAC, }
NEW-BRIDGE, June 5, 1862. }

Rained most of the night; has now ceased, but is not clear. The river still very high and troublesome. Enemy opened with several batteries on our bridges near here this morning; our batteries seem to have pretty much silenced them, though some firing still kept up. The rain forces us to remain in statu quo. With great difficulty a division of infantry has been crossed this morning to support the troops on the other side, should the enemy renew attack. I felt obliged to do this, although it leaves us rather weak here.

G. B. McCLELLAN,
Major-General Commanding.

Hon. E. M. STANTON,
Secretary of War.

On the fifth the Secretary telegraphed me as follows :

WASHINGTON, June 5, 1862—3.30 P.M.

I will send you five (5) new regiments as fast as transportation can take them; the first to start to-morrow from Baltimore. I intend sending you a part of McDowell's force as soon as it can return from its trip to Front Royal, probably as many you want. The order to ship the new regiments to Fort Monroe has already been given. I suppose that they may be sent directly to the Fort. Please advise me if this be as you desire.

EDWIN M. STANTON,
Secretary of War.

Major-General McCLELLAN.

On the seventh of June I telegraphed as follows :

HEADQUARTERS ARMY OF THE POTOMAC, }
June 7, 1862—4.40 P.M. }

In reply to your despatch of two P.M. to-day, I have the honor to state that the Chickahominy River has risen so as to flood the entire bottoms to the depth of three and four feet. I am pushing forward the bridges in spite of this, and the men are working night and day, up to their waists in water, to complete them.

The whole face of the country is a perfect bog, entirely impassable for artillery, or even cavalry, except directly in the narrow roads, which renders any general movement, either of this or the rebel army entirely out of the question until we have more favorable weather.

I am glad to learn that you are pressing forward reinforcements so vigorously.

I shall be in perfect readiness to move forward and take Richmond the moment McCall reaches here and the ground will admit the passage of artillery. I have advanced my pickets about a mile to-day, driving off the rebel pickets, and securing a very advantageous position.

The rebels have several batteries established, commanding the debouches from two of our bridges, and fire upon our working parties continually, but as yet they have killed but very few of our men.

G. B. McCLELLAN,
Major-General Commanding.

Hon. E. M. STANTON,
Secretary of War.

As I did not think it probable that any reinforcements would be sent me in time for the advance on Richmond, I stated in the foregoing despatch that I should be ready to move when General McCall's division joined me; but I did not intend to be understood by this that no more reinforcements were wanted, as will be seen from the following despatch :

June 10, 1862—3.30 P.M.

I have again information that Beauregard has arrived, and that some of his troops are to follow him. No great reliance—perhaps none whatever—can be attached to this; but it is possible, and ought to be their policy.

I am completely checked by the weather. The roads and fields are literally impassable for artillery, almost so for infantry. The Chickahominy is in a dreadful state; we have another rain-storm on our hands.

I shall attack as soon as the weather and ground will permit; but there will be a delay the extent of which no one can foresee, for the season is altogether abnormal.

In view of these circumstances, I present for your consideration the propriety of detaching largely from Halleck's army to strengthen this; for it would seem that Halleck has now no large organized force in front of him, while we have. If this cannot be done, or even in connection with it, allow me to suggest the movement of a heavy column from Dalton upon Atlanta. If but the one can be done, it would better conform to military principles to strengthen this army.

And even although the reinforcements might not arrive in season to take part in the attack upon Richmond, the moral effect would be great, and they would furnish valuable assistance in ulterior movements.

I wish to be distinctly understood that, whenever the weather permits, I will attack with whatever force I may have, although a larger force would enable me to gain much more decisive results.

I would be glad to have McCall's infantry sent forward by water at once, without waiting for his artillery and cavalry.

If General Prim returns *via* Washington, please converse with him as to the condition of affairs here.

GEO. B. McCLELLAN,
Major-General Commanding.

Hon. E. M. STANTON,
Secretary of War.

Our work upon the bridges continued to be pushed forward vigorously until the twentieth, during which time it rained almost every day, and the exposure of the men caused much sickness.

On the eleventh the following was received from the Secretary of War:

WASHINGTON, June 11, 1862.

Your despatch of three thirty, (3.30,) yesterday, has been received. I am fully impressed with the difficulties mentioned, and which no art or skill can avoid, but only endure, and am striving to the uttermost to render you every aid in the power of the Government. Your suggestions will be immediately communicated to General Halleck, with a request that he shall conform to them. At last advice he contemplated sending a column to operate with Mitchell against Chattanooga, and thence upon East-Tennessee. Buell reports Kentucky and Tennessee to be in a critical condition, demanding immediate attention. Halleck says the main body of Beauregard's force is with him at Okolona. McCall's force was reported yesterday as having embarked, and on its way to join you. It is intended to send the residue of McDowell's force also to join you as speedily as possible.

Fremont had a hard fight, day before yesterday, with Jackson's force at Union Church, eight miles from Harrisonburgh. He claims the victory, but was pretty badly handled. It is clear that a strong force is operating with Jackson for the purpose of detaining the forces here from you. I am urging, as fast as possible, the new levies.

Be assured, General, that there never has been a moment when my desire has been otherwise than to aid you with my whole heart, mind, and strength, since the hour we first met; and whatever others may say for their own purposes, you have never had, and never can have, any one more truly your friend, or more anxious to support you, or more joyful than I shall be at the success which I have no doubt will soon be achieved by your arms.

EDWIN M. STANTON,
Secretary of War.

Major-General G. B. McCLELLAN.

On the twelfth and thirteenth General McCall's division arrived.

On the thirteenth of June, two squadrons of the Fifth United States cavalry, under the command of Captain Royall, stationed near Hanover Old Church, were attacked and overpowered by a force of the enemy's cavalry, numbering about one thousand five hundred men, with four guns. They pushed on toward our depots, but at some distance from our main body, and, though pursued very cleverly, made the circuit of the army, repassing the Chickahominy at Long Bridge. The burning of two schooners laden with forage, and fourteen Government wagons, the destruction of some sutler's stores, the killing of several of the guard and teamsters at Garlick's Landing, some little damage done at Tunstall's Station, and a little *ecclat*, were the precise results of this expedition.

On the fourteenth I sent the following to the Secretary of War:

HEADQUARTERS ARMY OF THE POTOMAC,
CAMP LINCOLN, June 14, 1862—midnight.

All quiet in every direction. The stampede of last night has passed away. Weather now very favorable. I hope two days more will make the ground practicable. I shall advance as soon as the bridges are completed and the ground fit for artillery to move. At the same time I would be glad to have whatever troops can be sent to me. I can use several new regiments to advantage.

It ought to be distinctly understood that McDowell and his troops are completely under my control. I received a telegram from him requesting that McCall's division might be placed so as to join him immediately on his arrival.

That request does not breathe the proper spirit. Whatever troops come to me must be disposed of so as to do the most good. I do not feel that, in such circumstances as those in which I am now placed, General McDowell should wish the general interests to be sacrificed for the purpose of increasing his command.

If I cannot fully control all his troops, I want none of them, but would prefer to fight the battle with what I have, and let others be responsible for the results.

The department lines should not be allowed to interfere with me; but General McD., and all other troops sent to me, should be placed completely at my disposal, to do with them as I think best. In no other way can they be of assistance to me. I therefore request that I may have entire and full control. The stake at issue is too great to allow personal considerations to be entertained; you know that I have none.

The indications are, from our balloon reconnaissances and from all other sources, that the enemy are intrenching, daily increasing in numbers, and determined to fight desperately.

G. B. McCLELLAN,
Major-General Commanding

Hon. E. M. STANTON,
Secretary of War.

On the twentieth the following was communicated to the President:

HEADQUARTERS ARMY OF THE POTOMAC,
CAMP LINCOLN, June 20, 1862—2 P.M. }

Your Excellency's despatch of (11) eleven A.M. received, also that of General Sigel.

I have no doubt that Jackson has been reënforced from here. There is reason to believe that General R. S. Ripley has recently joined Lee's army, with a brigade or division from Charleston. Troops have arrived recently from Goldsboro. There is not the slightest reason to suppose that the enemy intends evacuating Richmond; he is daily increasing his defences. I find him everywhere in force, and every reconnaissance costs many lives, yet I am obliged to feel my way, foot by foot, at whatever cost, so great are the difficulties of the country; by to-morrow night the defensive works, covering our position on this side of the Chickahominy, should be completed. I am forced to this by my inferiority in numbers, so that I may bring the greatest possible numbers into action, and secure the army against the consequences of unforeseen disaster. I would be glad to have permission to lay before your Excellency, by letter or telegraph, my views as to the present state of military affairs throughout the whole country. In the mean time I would be pleased to learn the disposition, as to numbers and position, of the troops not under my command, in Virginia and elsewhere.

GEORGE B. McCLELLAN,
Major-General Commanding.

His Excellency, A. LINCOLN,
President.

To which I received this reply:

WASHINGTON, June 21, 1862—6 P.M.

Your despatch of yesterday, two (2) P.M., was received this morning. If it would not divert too much of your time and attention from the army under your immediate command, I would be glad to have your views as to the present state of military affairs throughout the whole country, as you say you would be glad to give them. I would rather it should be by letter than by telegraph, because of the better chance of secrecy. As to the numbers and positions of the troops not under your command, in Virginia and elsewhere, even if I could do it with accuracy, which I cannot, I would rather not transmit either by telegraph or letter, because of the chances of its reaching the enemy. I would be very glad to talk with you, but you cannot leave your camp, and I cannot well leave here.

A. LINCOLN,
President.

Major-General GEORGE B. McCLELLAN.

To which I sent the following reply:

CAMP LINCOLN, June 22—1 P.M.

I have the honor to acknowledge the receipt of your telegram of eight P.M. yesterday. Under the circumstances, as stated in your despatch, I perceive that it will be better at least to defer, for the present, the communication I desired to make.

G. B. McCLELLAN,
Major-General Commanding.

His Excellency the PRESIDENT.

All the information I could obtain, previous to the twenty-fourth of June, regarding the movements of General Jackson, led to the belief that he was at Gordonsville, where he was receiving reënforcements from Richmond *via* Lynchburgh and Stanton; but what his purposes were did not appear until the date specified, when a young man, very intelligent, but of suspicious appearance, was brought in by our scouts from the direction of Hanover Court-House. He at first stated that he was an escaped prisoner, from Colonel Kenly's Maryland regiment, captured at Front Royal, but finally confessed himself to be a deserter from Jackson's command, which he left near Gordonsville on the twenty-first. Jackson's troops were then, as he said, moving to Frederickshall, along the Virginia Central Railroad, for the purpose of attacking my rear on the twenty-eighth. I immediately despatched two trusty negroes to proceed along the railroad and ascertain the truth of the statement. They were unable, however, to get beyond Hanover Court-House, where they encountered the enemy's pickets, and were forced to turn back without obtaining the desired information. On that day I sent the following despatch:

HEADQUARTERS ARMY OF THE POTOMAC,
June 24, 1862—12 P.M. }

A very peculiar case of desertion has just occurred from the enemy. The party states that he left Jackson, Whiting, and Ewell, (fifteen brigades,) at Gordonsville on the twenty first; that they were moving to Frederickshall, and that it was intended to attack my rear on the twenty-eighth. I would be glad to learn, at your earliest convenience, the most exact information you have as to the position and movements of Jackson, as well as the sources from which your information is derived, that I may the better compare it with what I have.

G. B. McCLELLAN,
Major-General.

The following is his reply:

WASHINGTON, June 25, 1862.

We have no definite information as to the numbers or position of Jackson's force. General King yesterday reported a deserter's statement that Jackson's force was, nine days ago, forty thousand men. Some reports place ten thousand rebels under Jackson, at Gordonsville; others, that his force is at Port Republic; Harrisonburgh, and Luray. Fremont yesterday reported rumors that Western Virginia was threatened; and General Kelly, that Ewell was advancing to New-Creek, where Fremont has his depots. The last telegram from Fremont contradicts this rumor. The last telegram from Banks says the enemy's pickets are strong in advance at Luray; the people decline to give any information of his whereabouts. Within the last two (2) days the evidence is strong that for some purpose the enemy is circulating rumors of Jackson's advance in various directions, with a view to conceal the real point of attack. Neither McDowell, who is at Manassas, nor Banks and Fremont, who are

at Middletown, appear to have any accurate knowledge of the subject. A letter transmitted to the department yesterday, purported to be dated Gordonsville on the fourteenth (14th) instant, stated that the actual attack was designed for Washington and Baltimore as soon as you attacked Richmond, but that the report was to be circulated that Jackson had gone to Richmond, in order to mislead. This letter looked very much like a blind, and induces me to suspect that Jackson's real movement now is toward Richmond. It came from Alexandria, and is certainly designed, like the numerous rumors put afloat, to mislead. I think, therefore, that while the warning of the deserter to you may also be a blind, that it could not safely be disregarded. I will transmit to you any further information on this subject that may be received here.

EDWIN M. STANTON,
Secretary of War.

Major-General McCLELLAN.

On the twenty-fifth, our bridges and intrenchments being at last completed, an advance of our picket-line of the left was ordered, preparatory to a general forward movement.

Immediately in front of the most advanced redoubt on the Williamsburgh road was a large open field; beyond that, a swampy belt of timber, some five hundred yards wide, which had been disputed ground for many days. Further in advance was an open field, crossed by the Williamsburgh road and the railroad, and commanded by a redoubt and rifle-pits of the enemy.

It was decided to push our lines to the other side of these woods, in order to enable us to ascertain the nature of the ground, and to place Generals Heintzelman and Sumner in position to support the attack intended to be made on the Old Tavern, on the twenty-sixth or twenty-seventh, by General Franklin, by assailing that position in the rear.

Between eight and nine o'clock, on the morning of the twenty-fifth, the advance was begun by General Heintzelman's corps. The enemy were found to be in strong force all along the line, and contested the advance stubbornly, but by sunset our object was accomplished. The troops engaged in this affair were the whole of Heintzelman's corps, Palmer's brigade of Couch's division of Keyes's corps, and a part of Richardson's division of Sumner's corps. For the details I refer to the report of General Heintzelman.

The casualties (not including those in Palmer's brigade, which have not been reported) were as follows: officers killed, one; wounded, fourteen; missing, one; enlisted men killed, fifty; wounded, three hundred and eighty-seven; missing, sixty-three; total, five hundred and sixteen.

The following telegrams were sent to the Secretary of War, during the day, from the field of operations:

REDOUBT No. 3, June 25, 1862—1.30 P.M.

We have advanced our pickets on the left considerably under sharp resistance. Our men be-

haved very handsomely. Some firing still continues.

G. B. McCLELLAN,
Major-General Commanding.

Hon. E. M. STANTON.

REDOUBT No. 3, June 25, 1862—3.15 P.M.

The enemy are making a desperate resistance to the advance of our picket's lines. Kearny's and one half of Hooker's are where I want them.

I have this moment reinforced Hooker's right with a brigade and a couple of guns, and hope in a few minutes to finish the work intended for to-day. Our men are behaving splendidly. The enemy are fighting well also. This is not a battle; merely an affair of Heintzelman's corps, supported by Keyes, and thus far all goes well. We hold every foot we have gained.

If we succeed in what we have undertaken, it will be a very important advantage gained. Loss not large thus far. The fighting up to this time has been done by General Hooker's division, which has behaved as usual—that is, most splendidly.

On our right, Porter has silenced the enemy's batteries in his front.

G. B. McCLELLAN,
Major-General Commanding.

Hon. E. M. STANTON,
Secretary of War.

REDOUBT No. 3, June 25, 1862—5 P.M.

The affair is over, and we have gained our point fully, and with but little loss, notwithstanding the strong opposition. Our men have done all that could be desired. The affair was partially decided by two guns that Captain De Russy brought gallantly into action under very difficult circumstances. The enemy was driven from the camps in front of this place, and is now quiet.

G. B. McCLELLAN,
Major-General Commanding.

Hon. E. M. STANTON,
Secretary of War.

Also on the same day, the following:

HEADQUARTERS ARMY OF THE POTOMAC,
CAMP LINCOLN, June 25, 1862—6.15 P.M. }

I have just returned from the field, and find your despatch in regard to Jackson.

Several contrabands, just in, give information confirming the supposition that Jackson's advance is at or near Hanover Court-House, and that Beauregard arrived, with strong reinforcements, in Richmond, yesterday.

I incline to think that Jackson will attack my right and rear. The rebel force is stated at two hundred thousand, (200,000,) including Jackson and Beauregard. I shall have to contend against vastly superior odds if these reports be true. But this army will do all in the power of men to hold their position and repulse any attack.

I regret my great inferiority in numbers, but feel that I am in no way responsible for it, as I have not failed to represent repeatedly the necessity of reinforcements, that this was the decisive point, and that all the available means of the Government should be concentrated here. I will do all that a general can do with the splen-

did army I have the honor to command, and, if it is destroyed by overwhelming numbers, can at least die with it and share its fate. But if the result of the action which will probably occur to-morrow, or within a short time, is a disaster, the responsibility cannot be thrown on my shoulders; it must rest where it belongs.

Since I commenced this I have received additional intelligence, confirming the supposition in regard to Jackson's movements and Beauregard's arrival. I shall probably be attacked to-morrow, and now go to the other side of the Chickahominy to arrange for the defence on that side. I feel that there is no use in again asking for reinforcements.

G. B. McCLELLAN,
Major-General.

Hon. E. M. STANTON,
Secretary of War.

The report of the chief of the "secret service corps," herewith forwarded, and dated the twenty-sixth of June, shows the estimated strength of the enemy, at the time of the evacuation of Yorktown, to have been from one hundred thousand to one hundred and twenty thousand. The same report puts his numbers, on the twenty-sixth of June, at about one hundred and eighty thousand, and the specific information obtained regarding their organization warrants the belief that this estimate did not exceed his actual strength. It will be observed that the evidence contained in the report shows the following organizations, namely: Two hundred regiments of infantry and cavalry, including the forces of Jackson and Ewell, just arrived; eight battalions of independent troops; five battalions of artillery; twelve companies of infantry and independent cavalry, beside forty-six companies of artillery; amounting, in all, to from forty to fifty brigades. There were undoubtedly many others whose designations we did not learn.

The report also shows that numerous and heavy earth-works had been completed for the defence of Richmond, and that in thirty-six of these were mounted some two hundred guns.

On the twenty-sixth, the day upon which I had decided as the time for our final advance, the enemy attacked our right in strong force, and turned my attention to the protection of our communications and depots of supply.

The event was a bitter confirmation of the military judgment which had been reiterated to my superiors from the inception and through the progress of the Peninsula campaign.

I notified the Secretary of War in the following despatch:

HEADQUARTERS ARMY OF THE POTOMAC,
CAMP LINCOLN, June 26, 1862—12 M. }

I have just heard that our advanced cavalry pickets on the left bank of Chickahominy are being driven in. It is probably Jackson's advanced-guard. If this be true, you may not hear from me for some days, as my communications will probably be cut off. The case is perhaps a difficult one, but I shall resort to desperate measures, and will do my best to out-manceuvre, outwit, and out-fight the enemy. Do not believe

reports of disaster, and do not be discouraged if you learn that my communications are cut off, and even Yorktown in possession of the enemy. Hope for the best, and I will not deceive the hopes you formerly placed in me.

G. B. McCLELLAN,
Major-General.

Hon. E. M. STANTON,
Secretary of War.

HEADQUARTERS ARMY OF THE POTOMAC,
CAMP LINCOLN, June 26, 1862—2.30 P.M. }

Your despatch and that of the President received. Jackson is driving in my pickets, etc., on the other side of the Chickahominy. It is impossible to tell where reinforcements ought to go, as I am yet unable to predict result of approaching battle. It will probably be better that they should go to Fort Monroe, and thence according to state of affairs when they arrive.

It is not probable that I can maintain telegraphic communication more than an hour or two longer.

G. B. McCLELLAN,
Major-General.

Hon. E. M. STANTON,
Secretary of War.

On the same day I received the following despatches from the Secretary of War:

WASHINGTON, June 25, 1862—11.20 P.M.

Your telegram of fifteen minutes past six has just been received. The circumstances that have hitherto rendered it impossible for the Government to send you any more reinforcements than has been done, have been so distinctly stated to you by the President that it is needless for me to repeat them.

Every effort has been made by the President and myself to strengthen you. King's division has reached Falmouth, Shields's division and Ricketts's division are at Manassas. The President designs to send a part of that force to aid you as speedily as it can be done.

E. M. STANTON,
Secretary of War.

Major-General G. B. McCLELLAN.

WASHINGTON, June 26, 1862—6 P.M.

Arrangements are being made as rapidly as possible to send you five thousand (5000) men as fast as they can be brought from Manassas to Alexandria and embarked, which can be done sooner than to wait for transportation at Fredericksburgh. They will be followed by more, if needed. McDowell, Banks, and Fremont's force will be consolidated as the army of Virginia, and will operate promptly in your aid by land. Nothing will be spared to sustain you, and I have undoubting faith in your success. Keep me advised fully of your condition.

EDWIN M. STANTON,
Secretary of War.

Major-General G. B. McCLELLAN.

But five thousand of the reinforcements spoken of in these communications came to the army of the Potomac, and these reached us at Harrison's Bar, after the seven days.

In anticipation of a speedy advance on Richmond, to provide for the contingency of our com-

munications with the depot at the White House being severed by the enemy, and at the same time to be prepared for a change of the base of our operations to James River, if circumstances should render it advisable, I had made arrangements more than a week previous (on the eighteenth) to have transports with supplies of provisions and forage, under a convoy of gunboats, sent up James River. They reached Harrison's Landing in time to be available for the army on its arrival at that point. Events soon proved this change of base to be, though most hazardous and difficult, the only prudent course.

In order to relieve the troops of the Sixth corps, on the nineteenth of June General Reynolds's and General Seymour's brigades, of General McCall's division, (Pennsylvania reserves,) were moved from Gaines's farm to a position on Beaver Dam Creek, General Meade's brigade being held in reserve in front of Gaines's farm. One regiment and a battery were thrown forward to the heights overlooking Mechanicsville, and a line of pickets extended along the Chickahominy River between the Mechanicsville and Meadow bridges. As has been already stated, I received, while engaged on the twenty-fifth in directing the operations of Heintzelman's corps, information which strengthened my suspicions that Jackson was advancing with a large force upon our right and rear. On this day General Casey, at the White House, was instructed to prepare for a vigorous resistance, and defensive works were ordered at Tunstall's Station. Early on the twenty-fifth General Porter was instructed to send out reconnoitring parties toward Hanover Court-House to discover the position and force of the enemy, and to destroy the bridges on the Tolopatomoy as far as possible.

Up to the twenty-sixth of June the operations against Richmond had been conducted along the roads leading to it from the east and north-east. The reasons (the President's anxiety about covering Washington from Fredericksburgh, McDowell's promised coöperation, partial advance, and immediate withdrawal) which compelled the choice of this line of approach, and our continuance upon it, have been attended to above.

The superiority of the James River route, as a line of attack and supply, is too obvious to need exposition. My own opinion on that subject had been early given, and need not be repeated here. The dissipation of all hope of the coöperation by land of General McDowell's forces, deemed to be occupied in the defence of Washington, their inability to hold or defeat Jackson, disclosed an opportunity to the enemy, and a new danger to my right, and to the long line of supplies from the White House to the Chickahominy, and forced an immediate change of base across the Peninsula. To that end, from the evening of the twenty-sixth, every energy of the army was bent. Such a change of base, in the presence of a powerful enemy, is one of the most difficult undertakings in war. I was confident of the valor and discipline of my brave army, and knew that it could be trusted equally to retreat or ad-

vance, and to fight the series of battles now inevitable, whether retreating from victories or marching through defeats; and, in short, I had no doubt whatever of its ability, even against superior numbers, to fight its way through to the James River, and get a position whence a successful advance upon Richmond would be again possible. Their superb conduct through the next seven days justified my faith.

On the same day General Van Vliet, Chief Quartermaster of the army of the Potomac, by my orders, telegraphed to Colonel Ingalls, Quartermaster at the White House, as follows: "Run the cars to the last moment, and load them with provisions and ammunition. Load every wagon you have with subsistence, and send them to Savage's Station, by way of Bottom's Bridge. If you are obliged to abandon White House, burn every thing that you cannot get off. You must throw all our supplies up the James River as soon as possible, and accompany them yourself with all your force. It will be of vast importance to establish our depots on James River without delay if we abandon White House. I will keep you advised of every movement so long as the wires work; after that you must exercise your own judgment."

All these commands were obeyed. So excellent were the dispositions of the different officers in command of the troops, depots, and gunboats, and so timely the warning of the approach of the enemy, that almost every thing was saved, and but a small amount of stores destroyed to prevent their falling into the hands of the enemy.

General Stoneman's communications with the main army being cut off, he fell back upon the White House, and thence to Yorktown, when the White House was evacuated.

On the twenty-sixth, orders were sent to all the corps commanders on the right bank of the Chickahominy to be prepared to send as many troops as they could spare on the following day to the left bank of the river, as will be seen by the appended telegrams. General Franklin received instructions to hold General Slocum's division in readiness by daybreak of the twenty-seventh, and if heavy firing should at that time be heard in the direction of General Porter, to move at once to his assistance without further delay.

At noon on the twenty-sixth the approach of the enemy, who had crossed above Meadow bridge, was discovered by the advance pickets at that point, and at half-past twelve p.m. they were attacked and driven in. All the pickets were now called in, and the regiment and battery at Mechanicsville withdrawn.

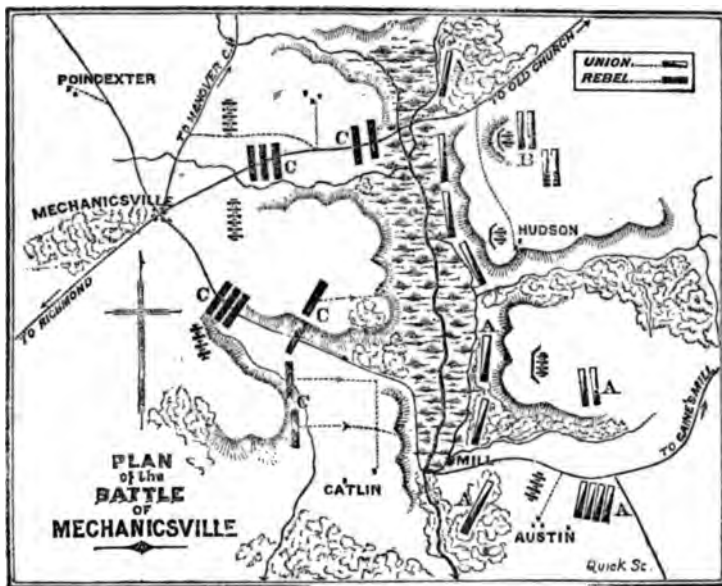
Meade's brigade was ordered up as a reserve in rear of the line, and shortly after Martindale's and Griffin's brigades, of Morell's division, were moved forward and deployed on the right of McCall's division, toward Shady Grove church, to cover that flank. Neither of these three brigades, however, were warmly engaged, though two of Griffin's regiments relieved a portion of Reynolds's line just at the close of the action.

The position of our troops was a strong one, extending along the left bank of Beaver Dam Creek, the left resting on the Chickahominy, and the right in thick woods beyond the upper road from Mechanicsville to Coal Harbor. The lower or river road crossed the Creek at Ellison's Mills. Seymour's brigade held the left of the line from the Chickahominy to beyond the mill, partly in woods and partly in clear ground, and Reynolds's the right, principally in the woods and covering the upper road. The artillery occupied positions commanding the roads and the open ground across the Creek.

Timber had been felled, rifle-pits dug, and the position generally prepared with a care that greatly contributed to the success of the day. The passage of the creek was difficult along the whole front, and impracticable for artillery, except by the two roads where the main efforts of the enemy were directed.

At three P.M. he formed his line of battle, rapidly advanced his skirmishers, and soon attacked our whole line, making at the same time a determined attempt to force the passage of the upper road, which was successfully resisted by General Reynolds. After a severe struggle he was forced to retire with very heavy loss.

A rapid artillery fire, with desultory skirmishing, was maintained along the whole front, while the enemy massed his troops for another effort at the lower road about two hours later, which was likewise repulsed by General Seymour, with heavy slaughter. The firing ceased, and the enemy retired about nine P.M., the action having lasted six hours, with entire success to our arms. But few, if any, of Jackson's troops were engaged on this day. The portion of the enemy encountered were chiefly from the troops on the right bank of the river, who crossed near Meadow Bridge and at Mechanicsville.



- A. Pennsylvania Reserves. { Reynolds's Brigade,
Meade's Brigade,
Seymour's Brigade, } McCall's Division.
B. Griffin's Brigade—Morell's Division.
C. Berdan's Sharpshooters—Morell's Division. *
D. Enemy's Column of Attack.

The information in my possession soon after the close of this action convinced me that Jackson was really approaching in large force. The position on Beaver Dam Creek, although so successfully defended, had its right flank too much in the air, and was too far from the main army to make it available to retain it longer. I therefore determined to send the heavy guns at Hogan's and Gaines's houses over the Chickahominy during the night, with as many of the wagons of the Fifth corps as possible, and to withdraw the corps itself to a position stretching around

the bridges, where its flanks would be reasonably secure, and it would be within supporting distance of the main army. General Porter carried out my orders to that effect.

It was not advisable at that time, even had it been practicable, to withdraw the Fifth corps to the right bank of the Chickahominy. Such a movement would have exposed the rear of the army, placed as between two fires, and enabled Jackson's fresh troops to interrupt the movement to James River, by crossing the Chickahominy in the vicinity of Jones's Bridge before we could

reach Malvern Hill with our trains. I determined then to resist Jackson with the Fifth corps, reinforced by all our disposable troops in the new position near the bridge-heads, in order to cover the withdrawal of the trains and heavy guns, and to give time for the arrangements to secure the adoption of the James River as our line of supplies in lieu of the Pamunkey.

The greater part of the heavy guns and wagons having been removed to the right bank of the Chickahominy, the delicate operation of withdrawing the troops from Beaver Dam Creek was commenced shortly before daylight, and successfully executed.

Meade's and Griffin's brigades were the first to leave the ground; Seymour's brigade covered the rear with the horse batteries of Captains Robertson and Tidball, but the withdrawal was so skilful and gradual, and the repulse of the preceding day so complete, that although the enemy followed the retreat closely, and some skirmishing occurred, he did not appear in front of the new line in force till about noon of the twenty-seventh, when we were prepared to receive him.

About this time General Porter, believing that General Stoneman would be cut off from him, sent him orders to fall back on the White House, and afterward rejoin the army as best he could.

On the morning of the twenty-seventh of June, during the withdrawal of his troops from Mechanicsville to the selected position already mentioned, General Porter telegraphed as follows:

"I hope to do without aid, though I request that Franklin, or some other command, be held ready to reinforce me. The enemy are so close that I expect to be hard pressed in front. I hope to have a portion in position to cover the retreat. This is a delicate movement, but relying on the good qualities of the commanders of divisions and brigades, I expect to get back and hold the new line."

This shows how closely Porter's retreat was followed.

Notwithstanding all the efforts used during the entire night to remove the heavy guns and wagons, some of the siege-guns were still in position at Gaines's House after sunrise, and were finally hauled off by hand. The new position of the Fifth corps was about an arc of a circle, covering the approaches to the bridges which connected our right wing with the troops on the opposite side of the river.

Morell's division held the left of the line in a strip of woods on the left bank of the Gaines's Mill stream, resting its left flank on the descent to the Chickahominy, which was swept by our artillery on both sides of the river, and extending into open ground on the right toward New-Coal Harbor. In this line General Butterfield's brigade held the extreme left, General Martindale's joined his right, and General Griffin, still further to the right, joined the left of General Sykes's division, which, partly in woods and partly in open ground, extended in the rear of Coal Harbor.

Each brigade had in reserve two of its own

regiments. McCall's division having been engaged on the day before, was formed in a second line in the rear of the first, Meade's brigade on the left near the Chickahominy, Reynolds's brigade on the right, covering the approaches from Coal Harbor and Despatch Station to Sumner's Bridge, and Seymour's in reserve to the second line, still further in rear. General P. St. George Cooke, with five companies of the Fifth regular cavalry, two squadrons of the First regular, and three squadrons of the Sixth Pennsylvania cavalry, (lancers,) was posted behind a hill in rear of the position, and near the Chickahominy, to aid in watching the left flank and defending the slope to the river.

The troops were all in position by noon, with the artillery on the commanding ground, and in the intervals between the divisions and brigades. Besides the division batteries, there were Robertson's and Tidball's horse batteries, from the artillery reserve; the latter posted on the right of Sykes's division, and the former on the extreme left of the line, in the valley of the Chickahominy. Shortly after noon the enemy were discovered approaching in force, and it soon became evident that the entire position was to be attacked. His skirmishers advanced rapidly, and soon the firing became heavy along our whole front. At two p.m., General Porter asked for reinforcements. Slocum's division of the Sixth corps was ordered to cross to the left bank of the river, by Alexander's Bridge, and proceed to his support.

General Porter's first call for reinforcements, through General Barnard, did not reach me, nor his demand for more axes, through the same officer.

By three p.m. the engagement had become so severe, and the enemy were so greatly superior in numbers, that the entire second line and reserves had been moved forward to sustain the first line against repeated and desperate assaults along our whole front.

At half-past three p.m. Slocum's division reached the field and was immediately brought into action at the weak points of our line.

On the left the contest was for the strip of woods, running almost at right angles to the Chickahominy, in front of Adams's house, or between that and Gaines's house. The enemy several times charged up to this wood, but were each time driven back with heavy loss. The regulars, of Sykes's division, on the right, also repulsed several strong attacks.

But our own loss under the tremendous fire of such greatly superior numbers was very severe, and the troops, most of whom had been under arms more than two days, were rapidly becoming exhausted by the masses of fresh men constantly brought against them.

When General Slocum's division arrived on the ground it increased General Porter's force to some thirty-five thousand, who were probably contending against about seventy thousand of the enemy. The line was severely pressed in several points, and as its being pierced at any

one would have been fatal, it was unavoidable for General Porter, who was required to hold his position until night, to divide Slocum's division, and send parts of it, even single regiments, to the points most threatened.

About five p.m., General Porter having reported his position as critical, French's and Meagher's brigades, of Richardson's division, (Third corps,) were ordered to cross to his support. The enemy attacked again in great force at six p.m., but failed to break our lines, though our loss was very heavy.

About seven p.m. they threw fresh troops against General Porter with still greater fury, and finally gained the woods held by our left. This reverse, aided by the confusion that followed an unsuccessful charge by five companies of the Fifth cavalry, and followed as it was by more determined assaults on the remainder of our lines, now outflanked, caused a general retreat from our position to the hill in rear overlooking the bridge.

French's and Meagher's brigades now appeared, driving before them the stragglers who were thronging toward the bridge.

These brigades advanced boldly to the front, and by their example, as well as by the steadiness of their bearings reanimated our own troops and warned the enemy that reinforcements had arrived. It was now dusk. The enemy, already repulsed several times with terrible slaughter, and hearing the shouts of the fresh troops, failed to follow up their advantage. This gave an opportunity to rally our men behind the brigades of Generals French and Meagher, and they again advanced up the hill ready to repulse another attack. During the night our thin and exhausted regiments were all withdrawn in safety, and by the following morning, all had reached the other side of the stream. The regular infantry formed the rear-guard, and about six o'clock on the morning of the twenty-eighth, crossed the river, destroying the bridge behind them.

Our loss in this battle in killed, wounded, and missing was very heavy, especially in officers, many of whom were killed, wounded, or taken prisoners while gallantly leading on their men or rallying them to renewed exertions.

It is impossible to arrive at the exact numbers lost in this desperate engagement, owing to the series of battles which followed each other in quick succession, and in which the whole army was engaged. No general returns were made until after we had arrived at Harrison's Landing, when the losses during the whole seven days were estimated together.

Although we were finally forced from our first line after the enemy had been repeatedly driven back, yet the objects sought for had been obtained. The enemy was held at bay. Our siege-guns and material were saved, and the right wing had now joined the main body of the army.

The number of guns captured by the enemy at this battle was twenty-two, three of which were lost by being run off the bridge during the final withdrawal.

Great credit is due for the efficiency and bravery with which this important arm of the service (the artillery) was fought, and it was not until the last successful charge of the enemy that the cannoneers were driven from their pieces or struck down, and the guns captured. Deidrich's, Kanahan's, and Grimm's batteries took position during the engagement in the front of General Smith's line on the right bank of the stream, and with a battery of siege-guns, served by the First Connecticut artillery, helped to drive back the enemy in front of General Porter.

So threatening were the movements of the enemy on both banks of the Chickahominy, that it was impossible to decide until the afternoon where the real attack would be made. Large forces of infantry were seen during the day near the Old Tavern, on Franklin's right, and threatening demonstrations were frequently made along the entire line on this side of the river, which rendered it necessary to hold a considerable force in position to meet them.

On the twenty-sixth a circular was sent to the corps commanders, on the right bank of the river, asking them how many of their troops could be spared to reinforce General Porter, after retaining sufficient to hold their positions for twenty-four hours.

To this the following replies were received:

HEADQUARTERS THIRD CORPS, }
JUNE 26—4 P.M. }

I think I can hold the intrenchments with four brigades for twenty-four hours. That would leave two brigades disposable for service on the other side of the river, but the men are so tired and worn out that I fear they would not be in a condition to fight after making a march of any distance. . . . S. P. HEINTZELMAN,

Brigadier-General.

General R. B. MARCY.

Telegrams from General Heintzelman, on the twenty-fifth and twenty-sixth, had indicated that the enemy was in large force in front of Generals Hooker and Kearny, and on the Charles City road, (Longstreet, Hill, and Huger,) and General Heintzelman expressed the opinion, on the night of the twenty-fifth, that he could not hold his advanced position without reinforcements.

General Keyes telegraphed:

"As to how many men will be able to hold this position for twenty-four hours, I must answer, all I have, if the enemy is as strong as ever in front, it having at all times appeared to me that our forces on this flank are small enough."

On the morning of the twenty-seventh, the following despatch was sent to General Sumner:

HEADQUARTERS ARMY OF THE POTOMAC, }
JUNE 27—8.45 A.M. }

General Smith just reports that six or eight regiments have moved down to the woods in front of General Sumner. R. B. MARCY,

Chief of Staff

General E. V. SUMNER,
Commanding Second Army Corps.

At eleven o'clock A.M. General Sumner telegraphed as follows:

"The enemy threaten an attack on my right, near Smith."

At half-past twelve P.M. he telegraphed:

"Sharp shelling on both sides."

At forty-five minutes past two P.M.:

"Sharp musketry firing in front of Burns; we are replying with artillery and infantry. The man on the lookout reports some troops drawn up in line of battle about opposite my right and Smith's left; the number cannot be made out."

In accordance with orders given on the night of the twenty-sixth, General Slocum's division commenced crossing the river to support General Porter soon after daybreak on the morning of the twenty-seventh; but as the firing in front of General Porter ceased, the movement was suspended. At two P.M. General Porter called for reinforcements. I ordered them at once, and at twenty-five minutes past three P.M. sent him the following:

"Slocum is now crossing Alexander's Bridge with his whole command; enemy has commenced an infantry attack on Smith's left; I have ordered down Sumner's and Heintzelman's reserves, and you can count on the whole of Slocum's. Go on as you have begun."

During the day the following despatches were received, which will show the condition of affairs on the right bank of the Chickahominy:

June 27, 1862.

General Smith thinks the enemy are massing heavy columns in the clearings to the right of James Garnett's house, and on the other side of the river opposite it. Three regiments are reported to be moving from Sumner's to Smith's front. The arrangements are very good, made by Smith.

W. B. FRANKLIN,
Brigadier-General.

Colonel A. V. COLBURN,
Assistant Adjutant-General.

Afterward he telegraphed:

"The enemy has begun an attack on Smith's left with infantry. I know no details."

Afterward the following:

"The enemy has opened on Smith from a battery of three pieces to the right of the White House. Our shells are bursting well, and Smith thinks Sumner will soon have a cross-fire upon them that will silence them."

Afterward (at fifty minutes past five P.M.) the following was sent to General Keyes:

"Please send one brigade of Couch's division to these headquarters, without a moment's delay. A staff-officer will be here to direct the brigade where to go."

Subsequently the following was sent to Generals Sumner and Franklin:

"Is there any sign of the enemy being in force in your front? Can you spare any more force to be sent to General Porter? Answer at once."

At fifteen minutes past five P.M. the following was received from General Franklin:

"I do not think it prudent to take any more troops from here at present."

General Sumner replied as follows:

"If the General desires to trust the defence of my position to my front line alone, I can send French with three regiments, and Meagher with his brigade, to the right; every thing is so uncertain, that I think it would be hazardous to do it."

These two brigades were sent to reinforce General Porter, as has been observed.

At twenty-five minutes past five P.M. I sent the following to General Franklin:

"Porter is hard pressed; it is not a question of prudence, but of possibilities. Can you possibly maintain your position until dark with two brigades? I have ordered eight regiments of Sumner's to support Porter; one brigade of Couch's to this place."

"Heintzelman's reserve to go in rear of Sumner. If possible, send a brigade to support Porter. It should follow the regiments ordered from Sumner."

At thirty-five minutes past seven P.M. the following was sent to General Sumner:

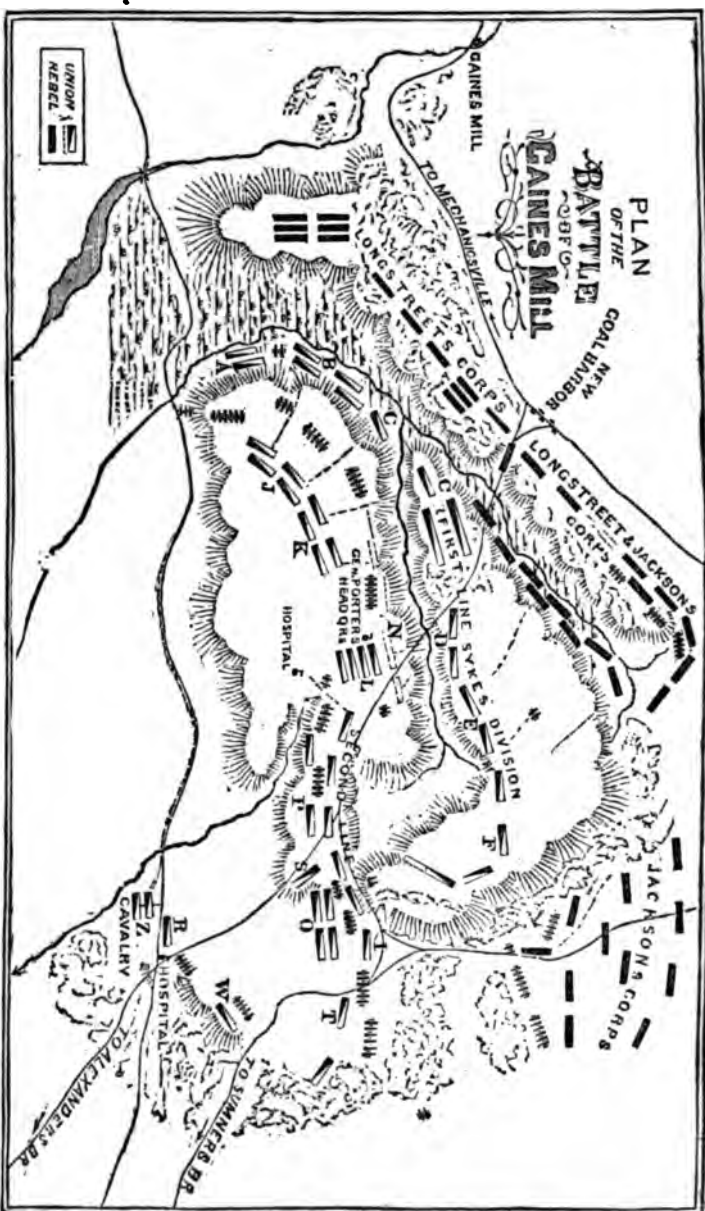
"If it is possible, send another brigade to reinforce General Smith; it is said three heavy columns of infantry are moving on him."

From the foregoing despatches it will be seen that all disposable troops were sent from the right bank of the river to reinforce General Porter, and that the corps commanders were left with smaller forces to hold their positions than they deemed adequate. To have done more, even though Porter's reverse had been prevented, would have had the still more disastrous result of imperilling the whole movement across the Peninsula.

The operations of this day proved the numerical superiority of the enemy, and made it evident that while he had a large army on the left bank of the Chickahominy, which had already turned our right, and was in position to intercept the communications with our dépôt at the White House, he was also in large force between our army and Richmond; I therefore effected a junction of our forces.

This might probably have been executed on either side of the Chickahominy; and if the concentration had been effected on the left bank, it is possible we might, with our entire force, have defeated the enemy there; but at that time they held the roads leading to the White House, so that it would have been impossible to have sent forward supply trains in advance of the army in that direction, and the guarding of those trains would have seriously embarrassed our operations in the battle; we would have been compelled to fight, if concentrated on that bank of the river. Moreover, we would at once have been followed by the enemy's forces upon the Richmond side of the river operating upon our rear, and if, in the chances of war, we had been ourselves defeated in the effort, we would have been forced to fall back to the White House, and probably to Fort





- A. Butterfield's Brigade.
 - B. Bartlesley's "
 - C. Griffin's "
 - D. G. P. R. Warren's Brigade.
 - E. H. R. Chapman's "
 - F. J. T. W. Buchanan's "
- } Merrill's Division.
- } Sykes's Division.

- J. Meade's Brigade.
 - K. Seymour's "
 - L. Reynolds's "
 - M. Taylor's "
 - N. Newton's "
 - O. Bartlett's "
- } McCull's Division.
- } Slocum's Division.
- } Franklin's Corps.
- X. Cook's Cavalry Division.

Monroe; and, as both our flanks and rear would then have been entirely exposed, our entire supply train, if not the greater part of the army itself, might have been lost.

The movements of the enemy showed that they expected this, and, as they themselves acknowledged, they were prepared to cut off our retreat in that direction.

I therefore concentrated all our forces on the right bank of the river.

During the night of the twenty-sixth and morning of the twenty-seventh, all our wagons, heavy guns, etc., were gathered there.

It may be asked, why, after the concentration of our forces on the right bank of the Chickahominy, with a large part of the enemy drawn away from Richmond upon the opposite side, I did not, instead of striking for James River, fifteen miles below that place, at once march directly on Richmond.

It will be remembered that at this juncture the enemy was on our rear, and there was every reason to believe that he would sever our communications with the supply dépôt at the White House.

We had, on hand but a limited amount of rations, and if we had advanced directly on Richmond, it would have required considerable time to carry the strong works around that place, during which our men would have been destitute of food; and even if Richmond had fallen before our arms, the enemy could still have occupied our supply communications between that place and the gunboats, and turned the disaster into victory. If, on the other hand, the enemy had concentrated all his forces at Richmond during the progress of our attack, and we had been defeated, we must in all probability have lost our trains before reaching the flotilla.

The battles which continued day after day in the progress of our flank movement to the James River, with the exception of the one at Gaines's Mill, were successes to our arms, and the closing engagement at Malvern Hill was the most decisive of all.

On the evening of the twenty-seventh of June I assembled the corps commanders at my headquarters, and informed them of my plan, its reasons, and my choice of route and method of execution.

General Keyes was directed to move his corps, with its artillery and baggage, across the White Oak swamp bridge, and to seize strong positions on the opposite side of the swamp, to cover the passage of the other troops and trains.

This was executed on the twenty-eighth by noon. Before daybreak on the twenty-eighth I went to Savage's Station, and remained there during the day and night, directing the withdrawal of the trains and supplies of the army.

Orders were given to the different commanders to load their wagons with ammunition and provisions, and the necessary baggage of the officers and men, and to destroy all property which could not be transported with the army.

Orders were also given to leave with those of

the sick and wounded who could not be transported, a proper complement of surgeons and attendants, with a bountiful supply of rations and medical stores.

The large herd of two thousand five hundred beef-cattle was, by the Chief Commissary, Colonel Clarke, transferred to the James River without loss.

On the morning of the twenty-eighth, while General Franklin was withdrawing his command from Golding's farm, the enemy opened upon General Smith's division from Garnett's Hill, from the valley above, and from Gaines's Hill on the opposite side of the Chickahominy; and shortly afterward two Georgia regiments attempted to carry the works about to be vacated, but this attack was repulsed by the Twenty-third New-York and the Forty-ninth Pennsylvania volunteers on picket, and a section of Mott's battery.

Porter's corps was moved across White Oak swamp during the day and night, and took up positions covering the roads leading from Richmond toward White Oak swamp and Long Bridge. McCall's division was ordered, on the night of the twenty-eighth, to move across the swamp and take a proper position to assist in covering the remaining troops and trains.

During the same night the corps of Sumner and Heintzelman, and the division of Smith, were ordered to an interior line, the left resting on Keyes's old intrenchments, and curving to the right, so as to cover Savage's Station.

General Slocum's division, of Franklin's corps, was ordered to Savage's Station, in reserve.

They were ordered to hold this position until dark of the twenty-ninth, in order to cover the withdrawal of the trains, and then to fall back across the swamp and unite with the remainder of the army.

On the twenty-eighth I sent the following to the Secretary of War:

HEADQUARTERS ARMY OF THE POTOMAC, }
SAVAGE'S STATION, JUNE 28, 1862—12.20 A.M. }

I now know the full history of the day. On this side of the river (the right bank) we repulsed several strong attacks. On the left bank our men did all that men could do, all that soldiers could accomplish, but they were overwhelmed by vastly superior numbers, even after I brought my last reserves into action. The loss on both sides is terrible. I believe it will prove to be the most desperate battle of the war. The sad remnants of my men behave as men. Those battalions who fought most bravely, and suffered most, are still in the best order. My regulars were superb; and I count upon what are left to turn another battle, in company with their gallant comrades of the volunteers. Had I twenty thousand (20,000) or even ten thousand (10,000) fresh troops to use to-morrow, I could take Richmond; but I have not a man in reserve, and shall be glad to cover my retreat and save the material and *personnel* of the army.

If we have lost the day, we have yet preserved our honor, and no one need blush for the army

of the Potomac. I have lost this battle because my force was too small.

I again repeat that I am not responsible for this, and I say it with the earnestness of a general who feels in his heart the loss of every brave man who has been needlessly sacrificed to-day. I still hope to retrieve our fortunes; but to do this the Government must view the matter in the same earnest light that I do. You must send me very large reinforcements, and send them at once. I shall draw back to this side of the Chickahominy, and think I can withdraw all our material. Please understand that in this battle we have lost nothing but men, and those the best we have.

In addition to what I have already said, I only wish to say to the President that I think he is wrong in regarding me as ungenerous when I said that my force was too weak. I merely intimated a truth which to-day has been too plainly proved. If, at this instant, I could dispose of ten thousand (10,000) fresh men, I could gain the victory to-morrow.

I know that a few thousand more men would have changed this battle from a defeat to a victory. As it is, the Government must not and cannot hold me responsible for the result.

I feel too earnestly to-night. I have seen too many dead and wounded comrades to feel otherwise than that the Government has not sustained this army. If you do not do so now, the game is lost.

If I save this army now, I tell you plainly that I owe no thanks to you, or to any other persons in Washington.

You have done your best to sacrifice this army.

G. B. McCLELLAN.

HON. E. M. STANTON.

The headquarters camp at Savage's Station was broken up early on the morning of the twenty-ninth, and moved across White Oak swamp. As the essential part of this day's operation was the passage of the trains across the swamp, and their protection against attack from the direction of New-Market and Richmond, as well as the immediate and secure establishment of our communications with the gunboats, I passed the day in examining the ground, directing the posting of troops, and securing the uninterrupted movement of the trains.

In the afternoon I instructed General Keyes to move during the night to James River, and occupy a defensive position near Malvern Hill, to secure our extreme left flank.

General F. J. Porter was ordered to follow him, and prolong the line toward the right. The trains were to be pushed on toward James River in rear of these corps, and placed under the protection of the gunboats as they arrived.

A sharp skirmish with the enemy's cavalry early this day on the Quaker Road showed that his efforts were about to be directed toward impeding our progress to the river, and rendered my presence in that quarter necessary.

BATTLE OF ALLEN'S FARM.

General Sumner vacated his works at Fair Oaks on June twenty-ninth, at daylight, and marched his command to Orchard Station, halting at Allen's Field, between Orchard and Savage's Station. The divisions of Richardson and Sedgwick were formed on the right of the railroad, facing toward Richmond, Richardson holding the right, and Sedgwick joining the right of Heintzelman's corps. The first line of Richardson's division was held by General French, General Caldwell supporting in the second. A log building in front of Richardson's division was held by Colonel Brooks with one regiment, (Fifty-third Pennsylvania volunteers,) with Hazzard's battery on an elevated piece of ground, a little in rear of Colonel Brooks's command.

At nine A.M. the enemy commenced a furious attack on the right of General Sedgwick, but were repulsed. The left of General Richardson was next attacked, the enemy attempting in vain to carry the position of Colonel Brooks. Captain Hazzard's battery, and Pettit's battery, which afterward replaced it, were served with great effect, while the Fifty-third Pennsylvania kept up a steady fire on the advancing enemy, compelling them at last to retire in disorder. The enemy renewed the attack three times, but were as often repulsed.

BATTLE OF SAVAGE'S STATION.

General Slocum arrived at Savage's Station at an early hour on the twenty-ninth, and was ordered to cross White Oak swamp and relieve General Keyes's corps. As soon as General Keyes was thus relieved, he moved toward James River, which he reached in safety, with all his artillery and baggage, early on the morning of the thirtieth, and took up a position below Turkey Creek bridge.

During the morning General Franklin heard that the enemy, after having repaired the bridges, was crossing the Chickahominy in large force, and advancing toward Savage's Station. He communicated this information to General Sumner, at Allen's Farm, and moved Smith's division to Savage's Station. A little after noon General Sumner united his forces with those of General Franklin, and assumed command.

I had ordered General Heintzelman, with his corps, to hold the Williamsburgh road until dark, at a point where were several field-works, and a skirt of timber between these works and the railroad; but he fell back before night, and crossed White Oak swamp at Brackett's Ford.

General Sumner in his report of the battle of Savage's Station says:

"When the enemy appeared on the Williamsburgh road I could not imagine why General Heintzelman did not attack him, and not till some time afterward did I learn, to my utter amazement, that General Heintzelman had left the field, and retreated with his whole corps (about fifteen thousand men) before the action commenced. This defection might have been

attended with the most disastrous consequences; and although we beat the enemy signally and drove him from the field, we should certainly have given him a more crushing blow if General Heintzelman had been there with his corps."

General Heintzelman in his report of the operations of his corps says:

"On the night of the twenty-eighth of June I received orders to withdraw the troops of my corps from the advanced position they had taken on the twenty-fifth of June, and to occupy the intrenched lines about a mile in rear. A map was sent me, showing the positions General Sumner's and General Franklin's corps would occupy.

"About sunrise the next day our troops slowly fell back to the new position, cautiously followed by the enemy, taking possession of our camps as soon as we left them.

"From some misapprehension General Sumner held a more advanced position than was indicated on the map furnished me, thus leaving a space of about three fourths of a mile between the right of his corps and General Smith's division of General Franklin's corps.

"At eleven A.M. on the twenty-ninth the enemy commenced an attack on General Sumner's troops, a few shells falling within my lines. Late in the forenoon reports reached me that the rebels were in possession of Dr. Trent's house, only a mile and a half from Savage's Station. I sent several cavalry reconnaissances, and finally was satisfied of the fact. General Franklin came to my headquarters, when I learned of the interval between his left and General Sumner's right, in which space Dr. Trent's house is; also that the rebels had repaired one of the bridges across the Chickahominy, and were advancing.

"I rode forward to see General Sumner, and met his troops falling back on the Williamsburgh road through my lines. General Sumner informed me that he intended to make a stand at Savage's Station, and for me to join him to determine upon the position.

"This movement of General Sumner's uncovering my right flank, it became necessary for me to at once withdraw my troops.

"I rode back to find General Sumner. After some delay, from the mass of troops in the field, I found him, and learned that the course of action had been determined on; so I returned to give the necessary orders for the destruction of the railroad cars, ammunition, and provisions still remaining on the ground.

"The whole open space near Savage's Station was crowded with troops—more than I supposed could be brought into action judiciously. An aid from the Commanding General had in the morning reported to me to point out a road across the White Oak swamp, starting from the left of General Kearny's position and leading by Brackett's Ford.

"The advance of the column reached the Charles City road at half-past six P.M., and the rear at ten P.M., without accident."

The orders given by me to Generals Sumner, Heintzelman, and Franklin, were to hold the positions assigned them until dark. As stated by General Heintzelman, General Sumner did not occupy the designated position; but, as he was the senior officer present on that side of the White Oak swamp, he may have thought that the movements of the enemy justified a deviation from the letter of the orders. It appears from his report that he assumed command of all the troops near Savage's Station, and determined to resist the enemy there; and that he gave General Heintzelman orders to hold the same position as I had assigned him.

The aid sent by me to General Heintzelman to point out the road across the swamp was to guide him in retiring after dark.

On reaching Savage's Station, Sumner's and Franklin's commands were drawn up in line of battle in the large open field to the left of the railroad, the left resting on the edge of the woods, and the right extending down to the railroad. General Brooks, with his brigade, held the wood to the left of the field, where he did excellent service, receiving a wound, but retaining his command.

General Hancock's brigade was thrown into the woods on the right and front. At four P.M. the enemy commenced his attack in large force by the Williamsburgh road. It was gallantly met by General Burns's brigade, supported and reinforced by two lines in reserve, and finally by the New-York Sixty-ninth, Hazzard's and Pettit's batteries again doing good service. Osborn's and Bramhall's batteries also took part effectively in this action, which was continued with great obstinacy until between eight and nine P.M., when the enemy were driven from the field.

Immediately after the battle the orders were repeated for all the troops to fall back and cross White Oak swamp, which was accomplished during the night in good order. By midnight all the troops were on the road to White Oak swamp bridge, General French, with his brigade, acting as rear-guard, and at five A.M. on the thirtieth all had crossed and the bridge was destroyed.

On the afternoon of the twenty-ninth I gave to the corps commanders their instructions for the operations of the following day. As stated before, Porter's corps was to move forward to James River, and, with the corps of General Keyes, to occupy a position at or near Turkey Bend, on a line perpendicular to the river, thus covering the Charles City road to Richmond, opening communication with the gunboats, and covering the passage of the supply-trains, which were pushed forward as rapidly as possible upon Haxall's plantation. The remaining corps were pressed onward, and posted so as to guard the approaches from Richmond, as well as the crossings of the White Oak swamp, over which the army had passed. General Franklin was ordered to hold the passage of White Oak swamp bridge.

and cover the withdrawal of the trains from that point. His command consisted of his own corps, with General Richardson's division and General Naglee's brigade placed under his orders for the occasion. General Slocum's division was on the right of the Charles City road.

On the morning of the thirtieth I again gave to the corps commanders within reach instructions for posting their troops. I found that, notwithstanding all the efforts of my personal staff and other officers, the roads were blocked by wagons, and there was great difficulty in keeping the trains in motion.

The engineer officers whom I had sent forward on the twenty-eighth to reconnoitre the roads had neither returned nor sent me any reports or guides. Generals Keyes and Porter had been delayed—one by losing the road, and the other by repairing an old road—and had not been able to send any information. We then knew of but one road for the movement of the troops and our immense trains.

It was therefore necessary to post the troops in advance of this road as well as our limited knowledge of the ground permitted, so as to cover the movement of the trains in the rear.

I then examined the whole line from the swamp to the left, giving final instructions for the posting of the troops and the obstructions of the roads toward Richmond, and all corps commanders were directed to hold their positions until the trains had passed, after which a more concentrated position was to be taken up near James River.

Our force was too small to occupy and hold the entire line from the White Oak swamp to the river, exposed as it was to be taken in reverse by a movement across the lower part of the swamp, or across the Chickahominy below the swamp. Moreover, the troops were then greatly exhausted and required rest in a more secure position.

I extended my examinations of the country as far as Haxall's, looking at all the approaches to Malvern, which position I perceived to be the key to our operations in this quarter, and was thus enabled to expedite very considerably the passage of the trains, and to rectify the positions of the troops.

Every thing being then quiet, I sent aids to the different corps commanders to inform them what I had done on the left, and to bring me information of the condition of affairs on the right. I returned from Malvern to Haxall's, and having made arrangements for instant communication from Malvern by signals, went on board of Captain Rodgers's gunboat, lying near, to confer with him in reference to the condition of our supply vessels, and the state of things on the river. It was his opinion that it would be necessary for the army to fall back to a position below City Point, as the channel there was so near the southern shore that it would not be possible to bring up the transports, should the enemy occupy it. Harrison's Landing was, in his opinion, the nearest suitable point. Upon the termination of this interview I returned to Malvern

Hill, and remained there until shortly before daylight.

BATTLE OF "NELSON'S FARM" OR "GLENDALE."

On the morning of the thirtieth, General Sumner was ordered to march with Sedgwick's division to Glendale, ("Nelson's Farm.") General McCall's division (Pennsylvania reserves) was halted during the morning on the New-Market road, just in advance of the point where the road turns off to Quaker Church. This line was formed perpendicularly to the New-Market road, with Meade's brigade on the right, Seymour's on the left, and Reynolds's brigade, commanded by Colonel S. G. Simmons, of the Fifth Pennsylvania, in reserve; Randall's regular battery on the right, Kern's and Cooper's batteries opposite the centre, and Deidrich's and Kanahan's batteries of the artillery reserve on the left—all in front of the infantry line. The country in General McCall's front was an open field, intersected toward the right by the New-Market road, and a small strip of timber parallel to it; the open front was about eight hundred yards, its depth about one thousand yards.

On the morning of the thirtieth, General Heintzelman ordered the bridge at Brackett's Ford to be destroyed, and trees to be felled across that road and the Charles City road. General Slocum's division was to extend to the Charles City road. General Kearny's left to connect with General Slocum's left. General McCall's position was to the left of the Long Bridge road, in connection with General Kearny's left. General Hooker was on the left of General McCall. Between twelve and one o'clock the enemy opened a fierce cannonade upon the divisions of Smith and Richardson, and Naglee's brigade, at White Oak swamp bridge. This artillery fire was continued by the enemy through the day, and he crossed some infantry below our position. Richardson's division suffered severely. Captain Ayres directed our artillery with great effect. Captain Hazzard's battery, after losing many cannoners, and Captain Hazzard being mortally wounded, was compelled to retire. It was replaced by Pettit's battery, which partially silenced the enemy's guns.

General Franklin held his position until after dark, repeatedly driving back the enemy in their attempts to cross the White Oak swamp.

At two o'clock in the day the enemy were reported advancing in force by the Charles City road, and at half-past two o'clock the attack was made down the road on General Slocum's left, but was checked by his artillery. After this the enemy, in large force, comprising the divisions of Longstreet and A. P. Hill, attacked General McCall, whose division, after severe fighting, was compelled to retire.

General McCall, in his report of the battle, says:

"About half-past two my pickets were driven in by a strong advance, after some skirmishing, without loss on our part.

"At three o'clock the enemy sent forward a regiment on the left centre and another on the right centre to feel for a weak point. They were under cover of a shower of shells, and boldly advanced, but were both driven back — on the left by the Twelfth regiment, and on the right by the Seventh regiment.

"For nearly two hours the battle raged hotly here. . . . At last the enemy was compelled to retire before the well-directed musketry fire of the reserves. The German batteries were driven to the rear, but I rode up and sent them back. It was, however, of little avail, and they were soon after abandoned by the cannoneers."

"The batteries in front of the centre were boldly charged upon, but the enemy was speedily forced back."

"Soon after this a most determined charge was made on Randall's battery by a full brigade, advancing in wedge shape, without order, but in perfect recklessness. Somewhat similar charges had, I have stated, been previously made on Cooper's and Kern's batteries by single regiments without success, they having recoiled before the storm of canister hurled against them. A like result was anticipated by Randall's battery, and the Fourth regiment was requested not to fire until the battery had done with them.

"Its gallant commander did not doubt his ability to repel the attack, and his guns did, indeed, mow down the advancing host, but still the gaps were closed, and the enemy came in upon a run to the very muzzle of his guns.

"It was a perfect torrent of men, and they were in his battery before the guns could be removed. Two guns that were, indeed, successfully limbered, had their horses killed and wounded and were overturned on the spot, and the enemy, dashing past, drove the greater part of the Fourth regiment before them.

"The left company, (B,) nevertheless, stood its ground, with its Captain, Fred. A. Conrad, as did, likewise, certain men of other companies. I had ridden into the regiment and endeavored to check them, but with only partial success.

"There was no running. But my division, reduced by the previous battles to less than six thousand, (6000,) had to contend with the divisions of Longstreet and A. P. Hill, considered two of the strongest and best among many of the confederate army, numbering that day eighteen thousand or twenty thousand men, and it was reluctantly compelled to give way before heavier force accumulated upon them."

General Heintzelman states that about five o'clock p.m. General McCall's division was attacked in large force, evidently the principal attack; that in less than an hour the division gave way, and adds: "General Hooker being on his left, by moving to his right, repulsed the rebels in the handsomest manner with great slaughter. General Sumner, who was with General Sedgwick in McCall's rear, also greatly aided with his artillery

and infantry in driving back the enemy. They now renewed their attack with vigor on General Kearny's left, and were again repulsed with heavy loss."

This attack commenced about four p.m., and was pushed by heavy masses with the utmost determination and vigor. Captain Thompson's battery, directed with great precision, firing double charges, swept them back. The whole open space, two hundred paces wide, was filled with the enemy; each repulse brought fresh troops. The third attack was only repulsed by the rapid volleys and determined charge of the Sixty-third Pennsylvania, Colonel Hays, and half of the Thirty-seventh New-York volunteers.

General McCall's troops soon began to emerge from the woods into the open field. Several batteries were in position and began to fire into the woods over the heads of our men in front. Captain De Russy's battery was placed on the right of General Sumner's artillery with orders to shell the woods. General Burns's brigade was then advanced to meet the enemy, and soon drove him back; other troops began to return from the White Oak swamp. Late in the day, at the call of General Kearny, General Taylor's first New-Jersey brigade, Slocum's division, was sent to occupy a portion of General McCall's deserted position, a battery accompanying the brigade. They soon drove back the enemy, who shortly after gave up the attack, contenting themselves with keeping up a desultory firing till late at night. Between twelve and one o'clock at night General Heintzelman commenced to withdraw his corps, and soon after daylight both of his divisions, with General Slocum's division and a portion of General Sumner's command, reached Malvern Hill.

On the morning of the thirtieth, General Sumner, in obedience to orders, had moved promptly to Glendale, and upon a call from General Franklin for reinforcements, sent him two brigades, which returned in time to participate and render good service in the battle near Glendale. General Sumner says of this battle:

"The battle of Glendale was the most severe action since the battle of Fair Oaks. About three o'clock p.m. the action commenced, and after a furious contest, lasting till after dark, the enemy was routed at all points and driven from the field."

The rear of the supply trains and the reserve artillery of the army reached Malvern Hill about four p.m. At about this time the enemy began to appear in General Porter's front, and at five o'clock advanced in large force against his left flank, posting artillery under cover of a skirt of timber, with a view to engage our force on Malvern Hill, while with his infantry and some artillery he attacked Colonel Warren's brigade. A concentrated fire of about thirty guns was brought to bear on the enemy, which, with the infantry fire of Colonel Warren's command, compelled him to retreat, leaving two guns in the hands of Colonel

Warren. The gunboats rendered most efficient aid at this time, and helped to drive back the enemy.

It was very late at night before my aids returned to give me the results of the day's fighting along the whole line, and the true position of affairs. While waiting to hear from General Franklin, before sending orders to Generals Sumner and Heintzelman, I received a message from the latter that General Franklin was falling back; whereupon I sent Colonel Colburn of my staff, with orders to verify this, and if it were true, to order in Generals Sumner and Heintzelman at once. He had not gone far when he met two officers sent from General Franklin's headquarters with the information that he was falling back. Orders were then sent to Generals Sumner and Heintzelman to fall back also, and definite instructions were given as to the movement which was to commence on the right. The orders met these troops already *en route* to Malvern. Instructions were also sent to General Franklin as to the route he was to follow.

General Barnard then received full instructions for posting the troops as they arrived.

I then returned to Haxall's, and again left for Malvern soon after daybreak. Accompanied by several general officers, I once more made the entire circuit of the position, and then returned to Haxall's, whence I went with Captain Rodgers to select the final location for the army and its depots. I returned to Malvern before the serious fighting commenced, and after riding along the lines, and seeing most cause to feel anxious about the right, remained in that vicinity.

BATTLE OF MALVERN HILL.

The position selected for resisting the further advance of the enemy on the first of July was with the left and centre of our lines resting on Malvern Hill, while the right curved backward through a wooded country toward a point below Haxall's on James River. Malvern Hill is an elevated plateau about a mile and a half by three fourths of a mile in area, well cleared of timber, and with several converging roads running over it. In front are numerous defensible ravines, and the ground slopes gradually toward the north and east to the woodland, giving clear ranges for artillery in those directions. Toward the northwest the plateau falls off more abruptly into a ravine which extends to James River. From the position of the enemy his most obvious line of attack would come from the direction of Richmond and White Oak swamp, and would almost of necessity strike us upon our left wing. Here, therefore, the lines were strengthened by massing the troops and collecting the principal part of the artillery. Porter's corps held the left of the line, (Sykes's division on the left, Morell's on the right,) with the artillery of his two divisions advantageously posted, and the artillery of the reserve so disposed on the high ground that a concentrated fire of some sixty guns could be brought to bear on any point in his front or left. Colonel Tyler also had, with great exertion, succeeded in

getting ten of his siege-guns in position on the highest point of the hill.

Couch's division was placed on the right of Porter; next came Kearny and Hooker; next Sedgwick and Richardson; next Smith and Slocum; then the remainder of Keyes's corps, extending by a backward curve nearly to the river. The Pennsylvania reserve corps was held in reserve, and stationed behind Porter's and Couch's position. One brigade of Porter's was thrown to the left on the low ground to protect that flank from any movement direct from the Richmond road. The line was very strong along the whole front of the open plateau, but from thence to the extreme right the troops were more deployed. This formation was imperative, as an attack would probably be made upon our left. The right was rendered as secure as possible by slashing the timber and by barricading the roads. Commodore Rodgers, commanding the flotilla on James River, placed his gunboats so as to protect our flank, and to command the approaches from Richmond.

Between nine and ten A.M. the enemy commenced feeling along our whole left wing, with his artillery and skirmishers, as far to the right as Hooker's division.

About two o'clock a column of the enemy was observed moving toward our right, within the skirt of woods in front of Heintzelman's corps, but beyond the range of our artillery. Arrangements were at once made to meet the anticipated attack in that quarter, but, though the column was long, occupying more than two hours in passing, it disappeared, and was not again heard of. The presumption is, that it retired by the rear, and participated in the attack afterward made on our left.

About three P.M. a heavy fire of artillery opened on Kearny's left and Couch's division, speedily followed up by a brisk attack of infantry on Couch's front. The artillery was replied to with good effect by our own, and the infantry of Couch's division remained lying on the ground until the advancing column was within short musket-range, when they sprang to their feet and poured in a deadly volley which entirely broke the attacking force and drove them in disorder back over their own ground. This advantage was followed up until we had advanced the right of our line some seven or eight hundred yards, and rested upon a thick clump of trees, giving us a stronger position and a better fire.

Shortly after four o'clock the firing ceased along the whole front, but no disposition was evinced on the part of the enemy to withdraw from the field. Caldwell's brigade, having been detached from Richardson's division, was stationed upon Couch's right by General Porter, to whom he had been ordered to report. The whole line was surveyed by the General, and every thing held in readiness to meet the coming attack. At six o'clock the enemy suddenly opened upon Couch and Porter with the whole strength of his artillery, and at once began pushing forward his columns of attack to carry the hill. Bri-



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|---|----------------------|--|
| A. Warren's Brigade. | } Sykes's Division. | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, Artillery of Morell, and Sykes's Divisions, and Hunt's Artillery Reserve. |
| B. Buchanan's " | | a. First Connecticut Artillery, Col. R. O. Tyler, Cavalry, Averill's Brigade. |
| C. Chapman's " | | I. Third Army Corps, (Heintzelman's.) |
| D. Griffin's " | | K. Second Army Corps, (Sumner's.) |
| E. Martindale's " | } Morell's Division. | |
| F. Butterfield's " | | |
| G. McCall's Division, | | |
| H. Couch's Division, 4th Army Corps, (Keyes's.) | | |



gade after brigade, formed under cover of the woods, started at a run to cross the open space and charge our batteries, but the heavy fire of our guns, with the cool and steady volleys of our infantry, in every case sent them reeling back to shelter, and covered the ground with their dead and wounded. In several instances our infantry withheld their fire until the attacking column, which rushed through the storm of canister and shell from our artillery, had reached within a few yards of our lines. They then poured in a single volley and dashed forward with the bayonet, capturing prisoners and colors, and driving the routed columns in confusion from the field.

About seven o'clock, as fresh troops were accumulating in front of Porter and Couch, Meagher and Sickles were sent with their brigades, as soon as it was considered prudent to withdraw any portion of Sumner's and Heintzelman's troops, to reinforce that part of the line and hold the position. These brigades relieved such regiments of Porter's corps and Couch's division as had expended their ammunition, and batteries from the reserve were pushed forward to replace those whose boxes were empty. Until dark the enemy persisted in his efforts to take the position so tenaciously defended; but, despite his vastly superior numbers, his repeated and desperate attacks were repulsed with fearful loss, and darkness ended the battle of Malvern Hill, though it was not until after nine o'clock that the artillery ceased its fire.

During the whole battle Commodore Rodgers added greatly to the discomfiture of the enemy, by throwing shell among his reserves and advancing columns.

As the army in its movement from the Chickahominy to Harrison's Landing was continually occupied in marching by night and fighting by day, its commanders found no time or opportunity for collecting data which would enable them to give exact returns of casualties in each engagement. The aggregate of our entire losses from the twenty-sixth of June to the first of July, inclusive, was ascertained, after arriving at Harrison's Landing, to be as follows:

List of the killed, wounded, and missing in the army of the Potomac from the twenty-sixth of June to the first of July, 1862, inclusive.

Corps.	Killed.	Wounded.	Missing.	Ag'gate.
1st. McCall's division,*	253	1210	1581	3,074
2d. Sumner's,	187	1076	848	2,111
3d. Heintzelman's,	159	1051	838	2,078
4th. Keyes's,	69	507	201	777
5th. Porter's,	620	2460	1198	4,278
6th. Franklin's,	245	1818	1179	2,787
Engineers,	...	2	21	23
Cavalry,	19	60	97	176
Total,	1582	7709	5958	15,249

Although the result of the battle of Malvern was a complete victory, it was, nevertheless,

* Pennsylvania reserves.

necessary to fall back still further, in order to reach a point where our supplies could be brought to us with certainty. As before stated, in the opinion of Captain Rodgers, commanding the gunboat flotilla, this could only be done below City Point; concurring in his opinion, I selected Harrison's Bar as the new position of the army. The exhaustion of our supplies of food, forage, and ammunition, made it imperative to reach the transports immediately.

The greater portion of the transportation of the army having been started for Harrison's Landing during the night of the thirtieth of June and first of July, the order for the movement of the troops was at once issued upon the final repulse of the enemy at Malvern Hill. The order prescribed a movement by the left and rear, General Keyes's corps to cover the manœuvre. It was not carried out in detail as regards the divisions on the left, the roads being somewhat blocked by the rear of our trains. Porter and Couch were not able to move out as early as had been anticipated, and Porter found it necessary to place a rear-guard between his command and the enemy. Colonel Averill, of the Third Pennsylvania cavalry was intrusted with this delicate duty. He had under his command his own regiment and Lieutenant-Colonel Buchanan's brigade of regular infantry and one battery. By a judicious use of the resources at his command he deceived the enemy so as to cover the withdrawal of the left wing without being attacked, remaining himself on the previous day's battle-field until about seven o'clock of the second of July. Meantime General Keyes, having received his orders, commenced vigorous preparations for covering the movement of the entire army and protecting the trains. It being evident that the immense number of wagons and artillery carriages pertaining to the army could not move with celerity along a single road, General Keyes took advantage of every accident of the ground to open new avenues and to facilitate the movement. He made preparations for obstructing the roads, after the army had passed, so as to prevent any rapid pursuit, destroying effectually Turkey Bridge, on the main road, and rendering other roads and approaches temporarily impassable by felling trees across them. He kept the trains well closed up, and directed the march so that the troops could move on each side of the roads, not obstructing the passage, but being in good position to repel an attack from any quarter. His dispositions were so successful that, to use his own words: "I do not think more vehicles or more public property were abandoned on the march from Turkey Bridge than would have been left, in the same state of the roads, if the army had been moving toward the enemy instead of away from him. And when it is understood that the carriages and teams belonging to this army, stretched out in one line, would extend not far from forty miles, the energy and caution necessary for their safe withdrawal from the presence of an enemy, vastly superior in numbers, will be appreciated." The last of the wagons

did not reach the site selected at Harrison's Bar until after dark on the third of July, and the rear-guard did not move into their camp until every thing was secure. The enemy followed up with a small force, and on the third threw a few shells at the rear-guard, but were quickly dispersed by our batteries and the fire of the gunboats.

Great credit must be awarded to General Keyes for the skill and energy which characterized his performance of the important and delicate duties intrusted to his charge.

High praise is also due to the officers and men of the First Connecticut artillery, Colonel Tyler, for the manner in which they withdrew all the heavy guns during the seven days, and from Malvern Hill. Owing to the crowded state of the roads the teams could not be brought within a couple of miles of the position, but these energetic soldiers removed the guns by hand for that distance, leaving nothing behind.

THIRD PERIOD.

On the first of July I received the following from the President:

WASHINGTON, July 1, 1862—8.30 P.M.

It is impossible to reinforce you for your present emergency. If we had a million of men we could not get them to you in time. We have not the men to send. If you are not strong enough to face the enemy, you must find a place of security, and wait, rest, and repair. Maintain your ground if you can, but save the army at all events, even if you fall back to Fort Monroe. We still have strength enough in the country and will bring it out.

A. LINCOLN.

Major-General G. B. McCLELLAN.

In a despatch from the President to me, on the second of July, he says:

"If you think you are not strong enough to take Richmond just now, I do not ask you to. Try just now to save the army, material and *personnel*, and I will strengthen it for the offensive again as fast as I can. The Governors of eighteen States offer me a levy of three hundred thousand, which I accept."

On the third of July the following kind despatch was received from the President:

[Extract]

WASHINGTON, July 3, 1862—3 P.M.

Yours of half-past-five yesterday is just received. I am satisfied that yourself, officers, and men, have done the best you could. All accounts say better fighting was never done. Ten thousand thanks for it.

A. LINCOLN.

Major-General G. B. McCLELLAN.

On the fourth I sent the following to the President:

HEADQUARTERS ARMY OF THE POTOMAC, }
HARRISON'S BAR, JAMES RIVER, July 4, 1862. }

I have the honor to acknowledge the receipt of your despatch of the second instant.

I shall make a stand at this place, and endeavor to give my men the repose they so much require.

After sending my communication on Tuesday, the enemy attacked the left of our lines, and a fierce battle ensued, lasting until night; they were repulsed with great slaughter. Had their attack succeeded, the consequences would have been disastrous in the extreme. This closed the hard fighting which had continued from the afternoon of the twenty-sixth ultimo, in a daily series of engagements wholly unparalleled on this continent for determination and slaughter on both sides.

The mutual loss in killed and wounded is enormous. That of the enemy certainly greatest. On Tuesday morning, the first, our army commenced its movement from Haxall's to this point, our line of defence there being too extended to be maintained by our weakened forces. Our train was immense, and about four P.M. on the second a heavy storm of rain began, which continued during the entire day and until the forenoon of yesterday.

The roads became horrible. Troops, artillery, and wagons moved on steadily, and our whole army, men and material, was finally brought safe into this camp.

The last of the wagons reached here at noon yesterday. The exhaustion was very great, but the army preserved its *morale*, and would have repelled any attack which the enemy was in condition to make.

We now occupy a line of heights, about two miles from the James, a plain extending from there to the river; our front is about three miles long; these heights command our whole position, and must be maintained. The gunboats can render valuable support upon both flanks. If the enemy attack us in front we must hold our ground as we best may, and at whatever cost.

Our positions can be carried only by overwhelming numbers. The spirit of the army is excellent; stragglers are finding their regiments, and the soldiers exhibit the best results of discipline. Our position is by no means impregnable, especially as a morass extends on this side of the high ground from our centre to the James on our right. The enemy may attack in vast numbers, and if so, our front will be the scene of a desperate battle, which, if lost, will be decisive. Our army is fearfully weakened by killed, wounded, and prisoners.

I cannot now approximate to any statement of our losses, but we were not beaten in any conflict.

The enemy were unable, by their utmost efforts, to drive us from any field. Never did such a change of base, involving a retrograde movement, and under incessant attacks from a most determined and vastly more numerous foe, partake so little of disorder. We have lost no guns except twenty-five on the field of battle, twenty-one of which were lost by the giving way of McCall's division, under the onset of superior numbers.

Our communications by the James River are not secure. There are points where the enemy can establish themselves with cannon or musket.

ry and command the river, and where it is not certain that our gunboats can drive them out. In case of this, or in case our front is broken, I will still make every effort to preserve, at least, the *personnel* of the army, and the events of the last few days leave no question, that the troops will do all that their country can ask. Send such reinforcements as you can; I will do what I can. We are shipping our wounded and sick and landing supplies. The Navy Department should cooperate with us to the extent of its resources. Captain Rodgers is doing all in his power in the kindest and most efficient manner.

When all the circumstances of the case are known, it will be acknowledged by all competent judges that the movement just completed by this army is unparalleled in the annals of war. Under the most difficult circumstances we have preserved our trains, our guns, our material, and, above all, our honor.

G. B. McCLELLAN,
Major-General.

The PRESIDENT.

To which I received the following reply:

WASHINGTON, July 5, 1862—9 A.M.

A thousand thanks for the relief your two despatches, of twelve and one P.M. yesterday, gave me. Be assured the heroism and skill of yourself and officers and men is, and forever will be, appreciated.

If you can hold your present position we shall help the enemy yet.

A. LINCOLN.
Major-General G. B. McCLELLAN,
Commanding Army of the Potomac.

The following letters were received from His Excellency the President:

WAR DEPARTMENT,
WASHINGTON CITY, D. C., July 4, 1862. }

I understand your position as stated in your letter, and by General Marcy. To reinforce you so as to enable you to resume the offensive within a month, or even six weeks, is impossible. In addition to that arrived and now arriving from the Potomac, (about ten thousand men, I suppose,) and about ten thousand, I hope, you will have from Burnside very soon, and about five thousand from Hunter a little later, I do not see how I can send you another man within a month. Under these circumstances, the defensive, for the present, must be your only care. Save the army, first, where you are, if you *can*, and, secondly, by removal, if you must. You, on the ground, must be the judge as to which you will attempt, and of the means for effecting it. I but give it as my opinion, that with the aid of the gunboats and the reinforcements mentioned above, you can hold your present position; provided, and so long as you can keep the James River open below you. If you are not tolerably confident you can keep the James River open, you had better remove as soon as possible. I do not remember that you have expressed any apprehension as to the danger of having your communi-

cation cut on the river below you, yet I do not suppose it can have escaped your attention.

Yours, very truly,
A. LINCOLN.
Major-General McCLELLAN.

P. S.—If at any time you feel able to take the offensive, you are not restrained from doing so.

A. L.

The following telegram was sent on the seventh:

HEADQUARTERS ARMY OF THE POTOMAC, }
BERKELEY, July 7, 1862—8.30 A.M. }

As boat is starting, I have only time to acknowledge receipt of despatch by General Marcy. Enemy have not attacked. My position is very strong, and daily becoming more so. If not attacked to-day, I shall laugh at them. I have been anxious about my communications. Had long consultation about it with Flag-Officer Goldsborough last night; he is confident he can keep river open. He should have all gunboats possible. Will see him again this morning. My men in splendid spirits and anxious to try it again.

Alarm yourself as little as possible about me, and don't lose confidence in this army.

G. B. McCLELLAN,
Major-General.

A. LINCOLN,
President.

While General-in-Chief, and directing the operations of all our armies in the field, I had become deeply impressed with the importance of adopting and carrying out certain views regarding the conduct of the war, which, in my judgment, were essential to its objects and its success.

During an active campaign of three months in the enemy's country, these were so fully confirmed that I conceived it a duty, in the critical position we then occupied, not to withhold a candid expression of the more important of these views from the Commander-in-Chief, whom the Constitution places at the head of the armies and navies, as well as of the government of the nation.

The following is a copy of my letter to Mr Lincoln:

HEADQUARTERS ARMY OF THE POTOMAC,
CAMP NEAR HARRISON'S LANDING, VA., July 7, 1862. }

MR. PRESIDENT: You have been fully informed that the rebel army is in the front, with the purpose of overwhelming us by attacking our positions or reducing us by blocking our river communications. I cannot but regard our condition as critical, and I earnestly desire, in view of possible contingencies, to lay before your Excellency, for your private consideration, my general views concerning the existing state of the rebellion, although they do not strictly relate to the situation of this army, or strictly come within the scope of my official duties. These views amount to convictions, and are deeply impressed upon my mind and heart. Our cause must never be abandoned; it is the cause of free institutions and self-government. The Constitution and the Union must be preserved, whatever may be the

cost in time, treasure, and blood. If secession is successful, other dissolutions are clearly to be seen in the future. Let neither military disaster, political faction, nor foreign war shake your settled purpose to enforce the equal operation of the laws of the United States upon the people of every State.

The time has come when the Government must determine upon a civil and military policy, covering the whole ground of our national trouble.

The responsibility of determining, declaring, and supporting such civil and military policy, and of directing the whole course of national affairs in regard to the rebellion, must now be assumed and exercised by you, or our cause will be lost. The Constitution gives you power, even for the present terrible exigency.

This rebellion has assumed the character of a war; as such it should be regarded, and it should be conducted upon the highest principles known to Christian civilization. It should not be a war looking to the subjugation of the people of any State, in any event. It should not be at all a war upon population, but against armed forces and political organizations. Neither confiscation of property, political executions of persons, territorial organization of States, or forcible abolition of slavery should be contemplated for a moment.

In prosecuting the war, all private property and unarmed persons should be strictly protected, subject only to the necessity of military operations; all private property taken for military use should be paid or receipted for; pillage and waste should be treated as high crimes; all unnecessary trespass sternly prohibited, and offensive demeanor by the military toward citizens promptly rebuked. Military arrests should not be tolerated, except in places where active hostilities exist; and oaths, not required by enactments, constitutionally made, should be neither demanded nor received.

Military government should be confined to the preservation of public order and the protection of political right. Military power should not be allowed to interfere with the relations of servitude, either by supporting or impairing the authority of the master, except for repressing disorder, as in other cases. Slaves, contraband, under the act of Congress, seeking military protection, should receive it. The right of the Government to appropriate permanently to its own service claims to slave labor, should be asserted, and the right of the owner to compensation therefor should be recognized. This principle might be extended, upon grounds of military necessity and security, to all the slaves of a particular State, thus working manumission in such State; and in Missouri, perhaps in Western Virginia also, and possibly even in Maryland, the expediency of such a measure is only a question of time. A system of policy thus constitutional, and pervaded by the influences of Christianity and freedom, would receive the support of almost all truly loyal men, would deeply impress the rebel masses and all foreign nations, and it might be

humbly hoped that it would commend itself to the favor of the Almighty.

Unless the principles governing the future conduct of our struggle shall be made known and approved, the effort to obtain requisite forces will be almost hopeless. A declaration of radical views, especially upon slavery, will rapidly disintegrate our present armies. The policy of the Government must be supported by concentrations of military power. The national forces should not be dispersed in expeditions, posts of occupation, and numerous armies, but should be mainly collected into masses, and brought to bear upon the armies of the confederate States. Those armies thoroughly defeated, the political structure which they support would soon cease to exist.

In carrying out any system of policy which you may form, you will require a commander-in-chief of the army, one who possesses your confidence, understands your views, and who is competent to execute your orders, by directing the military forces of the nation to the accomplishment of the objects by you proposed. I do not ask that place for myself. I am willing to serve you in such position as you may assign me, and I will do so as faithfully as ever subordinate served superior.

I may be on the brink of eternity; and as I hope forgiveness from my Maker, I have written this letter with sincerity toward you and from love for my country.

Very respectfully, your obedient servant,

GEORGE B. McCLELLAN,
Major-General Commanding

His Excellency, A. LINCOLN,
President.

I telegraphed to the President on the eleventh as follows:

HEADQUARTERS ARMY OF THE POTOMAC, }
BERKELEY, July 11, 1862—8 P.M. }

We are very strong here now, so far as defensive is concerned. Hope you will soon make us strong enough to advance and try it again. All in fine spirits.

GEORGE B. McCLELLAN,
Major-General Commanding.

A. LINCOLN,
President.

These telegrams were sent on the twelfth, seventeenth, and eighteenth, to His Excellency the President:

HEADQUARTERS ARMY OF THE POTOMAC, }
BERKELEY, July 12, 1862—7.15 A.M. }

Hill and Longstreet crossed into New-Kent County, *via* Long Bridge. I am still ignorant what road they afterward took, but will know shortly.

Nothing else of interest since last despatch. Rain ceased, and every thing quiet. Men resting well, but beginning to be impatient for another fight.

I am more and more convinced that this army ought not to be withdrawn from here, but promptly reinforced and thrown again upon Richmond. If we have a little more than half a chance, we can take it.

I dread the effects of any retreat upon the morale of the men.

GEORGE B. McCLELLAN,
Major-General Commanding.

A. LINCOLN,
President.

HEADQUARTERS ARMY OF THE POTOMAC, }
BERKELEY, July 17, 1862—8 A.M. }

I have consulted fully with General Burnside, and would commend to your favorable consideration the General's plan for bringing (7) seven additional regiments from North-Carolina, by leaving Newbern to the care of the gunboats. It appears manifestly to be our policy to concentrate here every thing we can possibly spare from less important points, to make sure of crushing the enemy at Richmond, which seems clearly to be the most important point in rebeldom. Nothing should be left to chance here. I would recommend that General Burnside, with all his troops, be ordered to this army, to enable it to assume the offensive as soon as possible.

GEORGE B. McCLELLAN,
Major-General Commanding.

A. LINCOLN,
President.

HEADQUARTERS ARMY OF THE POTOMAC, }
BERKELEY, July 18, 1862—8 A.M. }

No change worth reporting in the state of affairs. Some (20,000) twenty thousand to (25,000) twenty-five thousand of the enemy at Petersburg, and others thence to Richmond.

Those at Petersburg say they are part of Beauregard's army. New troops arriving via Petersburg. Am anxious to have determination of Government that no time may be lost in preparing for it. Hours are very precious now, and perfect unity of action necessary.

GEORGE B. McCLELLAN,
Major-General Commanding.

A. LINCOLN,
President.

The following was telegraphed to General Halleck on the twenty-eighth:

HEADQUARTERS ARMY OF THE POTOMAC, }
BERKELEY, July 28, 1862—8 A.M. }

Nothing especially new except corroboration of reports that reinforcements reaching Richmond from South. It is not confirmed that any of Bragg's troops are yet here. My opinion is more and more firm that here is the defence of Washington, and that I should be at once reinforced by all available troops to enable me to advance. Retreat would be disastrous to the army and the cause. I am confident of that.

GEORGE B. McCLELLAN,
Major-General.

Major-General H. W. HALLECK,
Commanding U. S. Army, Washington, D.C.

On the thirtieth, I sent the following to the General-in-Chief:

HEADQUARTERS ARMY OF THE POTOMAC, }
BERKELEY, July 30, 1862—7 A.M. }

I hope that it may soon be decided what is to be done by this army and that the decision may

be to reinforce it at once. We are losing much valuable time, and that at a moment when energy and decision are sadly needed.

GEORGE B. McCLELLAN,
Major-General.

Major-General H. W. HALLECK,
Commanding U. S. Army, Washington, D. C.

About half an hour after midnight, on the morning of August first, the enemy brought some light batteries to Coggin's Point and the Coles House, on the right bank of James River, directly opposite Harrison's Landing, and opened a heavy fire upon our shipping and encampments. It was continued rapidly for about thirty minutes, when they were driven back by the fire of our guns; this affair was reported in the following despatch:

HEADQUARTERS ARMY OF THE POTOMAC, }
BERKELEY, August 2, 1862—8 A.M. }

Firing of night before last killed some ten (10) men and wounded about (15) fifteen.

No harm of the slightest consequence done to the shipping, although several were struck. Sent party across river yesterday to the Coles House, destroyed it, and cut down the timber; will complete work to-day, and also send party to Coggin's Point, which I will probably occupy. I will attend to your telegraph about pressing at once; will send Hooker out. Give me Burnside, and I will stir these people up. I need more cavalry; have only (3700) three thousand seven hundred for duty in cavalry division.

Adjutant-General's office forgot to send Sykes's commission as Major-General, with those of other division commanders. do me the favor to hurry it on.

G. B. McCLELLAN,

Major-General Commanding.

Major-General H. W. HALLECK,
Washington, D. C.

To prevent another demonstration of this character, and to insure a debouché on the south bank of the James, it became necessary to occupy Coggin's Point, which was done on the third, and the enemy, as will be seen from the following despatch, driven back toward Petersburg:

HEADQUARTERS ARMY OF THE POTOMAC, }
BERKELEY, August 3, 1862—10 P.M. }

Coggin's Point was occupied to-day, and timber felled so as to make it quite defensible. I went over the ground myself, and found that Duane had, as usual, selected an admirable position, which can be intrenched with a small amount of labor, so as to make it a formidable *tête de pont*, covering the landing of a large force.

I shall begin intrenching it by the labor of contrabands to-morrow. The position covers the Coles House, which is directly in front of Westover. We have now a safe debouché on the south bank, and are secure against midnight cannonading. A few thousand more men would place us in condition at least to annoy and disconcert the enemy very much.

I sent Colonel Averill this morning with three hundred (300) cavalry to examine the country on the south side of the James, and try to catch some cavalry at Sycamore Church, which is on the

main road from Petersburg to Suffolk, and some five (5) miles from Coles House. He found a cavalry force of five hundred and fifty (550) men, attacked them at once, drove in their advance-guards to their camp, where we had a sharp skirmish, and drove them off in disorder.

He burned their entire camp, with their commissary and quartermaster's stores, and then returned and recrossed the river. He took but (2) two prisoners, had one man wounded by a ball, and one by a sabre-cut.

Captain McIntosh made a handsome charge. The troops engaged were of the (5th) Fifth regulars, and the (8d) Third Pennsylvania cavalry.

Colonel Averill conducted this affair, as he does every thing he undertakes, to my entire satisfaction.

G. B. McCLELLAN,

Major-General Commanding.

Major-General H. W. HALLECK,

Commanding United States Army, Washington, D. C.

On the first of August I received the following despatches:

WASHINGTON, July 30, 1862—8 P.M.

A despatch just received from General Pope says that deserters report that the enemy is moving south of James River, and that the force in Richmond is very small. I suggest he be pressed in that direction, so as to ascertain the facts of the case.

H. W. HALLECK,

Major-General.

Major-General G. B. McCLELLAN.

WASHINGTON, July 30, 1862—8 P.M.

In order to enable you to move in any direction, it is necessary to relieve you of your sick. The Surgeon-General has, therefore, been directed to make arrangements for them at other places, and the Quartermaster-General to provide transportation. I hope you will send them away as quickly as possible, and advise me of their removal.

H. W. HALLECK,

Major-General.

Major-General G. B. McCLELLAN.

It is clear that the General-in-Chief attached some weight to the report received from General Pope, and I was justified in supposing that the order in regard to the removing the sick contemplated an offensive movement rather than a retreat, as I had no other data than the telegrams just given, from which to form an opinion as to the intentions of the Government.

The following telegram strengthened me in that belief:

WASHINGTON, July 31, 1862—10 A.M.

General Pope again telegraphs that the enemy is reported to be evacuating Richmond, and falling back on Danville and Lynchburgh.

H. W. HALLECK,

Major-General.

Major-General G. B. McCLELLAN.

In occupying Coggin's Point, as already described, I was influenced by the necessity of possessing a secure debouche on the south of the James, in order to enable me to move on the

communications of Richmond in that direction, as well as to prevent a repetition of midnight cannonades.

To carry out General Halleck's first order, of July thirtieth, it was necessary first to gain possession of Malvern Hill, which was occupied by the enemy, apparently in some little force, and controlled the direct approach to Richmond. Its temporary occupation, at least, was equally necessary in the event of a movement upon Petersburg, or even the abandonment of the Peninsula. General Hooker, with his own division, and Pleasanton's cavalry, was therefore directed to gain possession of Malvern Hill on the night of the second of August.

He failed to do so, as the following despatch recites:

HEADQUARTERS ARMY OF THE POTOMAC,
BERKELEY, August 3, 1862—10.30 A.M. }

The movement undertaken up the river last night failed on account of the incompetency of guides.

The proper steps have been taken to-day to remedy this evil, and I hope to be ready to-morrow night to carry out your suggestions as to pressing, at least to accomplish the first indispensable step.

G. B. McCLELLAN,

Major-General Commanding.

Major-General HALLECK,

Commanding United States Army.

On the fourth General Hooker was reinforced by General Sedgwick's division, and having obtained a knowledge of the roads, he succeeded in turning Malvern Hill, and driving the enemy back toward Richmond.

The following is my report of this affair at the time:

MALVERN HILL, August 5, 1862—1 P.M.

General Hooker, at half-past five this morning, attacked a very considerable force of infantry and artillery stationed at this place, and carried it handsomely, driving the enemy toward Newmarket, which is four miles distant, and where it is said they have a large force. We have captured one hundred prisoners, killed and wounded several, with a loss on our part of only three killed and eleven wounded; among the latter, two officers.

I shall probably remain here to-night, ready to act as circumstances may require, after the return of my cavalry reconnoissances.

The mass of the enemy escaped under the cover of a dense fog; but our cavalry are still in pursuit, and I trust may succeed in capturing many more.

This is a very advantageous position to cover an advance on Richmond, and only fourteen and three quarter miles distant; and I feel confident that with reinforcements I would march this army there in five days.

I this instant learn that several brigades of the enemy are four miles from here on the Quaker road, and I have taken steps to prepare to meet them.

General Hooker's dispositions were admirable,

and his officers and men displayed their usual gallantry.

GEORGE B. McCLELLAN,
Major-General Commanding.

Major-General H. W. HALLECK,
Commanding United States Army.

MALVERN HILL, August 5, 1862—3 P.M.

Since my last despatch Colonel Averill has returned from a reconnoissance, in the direction of Savage's Station, toward Richmond. He encountered the Eighteenth Virginia cavalry near White Oak swamp bridge, charged and drove them some distance toward Richmond, capturing twenty-eight men and horses, killing and wounding several.

Our troops have advanced twelve (12) miles in one direction, and seventeen (17) in another, toward Richmond to-day.

We have secured a strong position at Coggin's Point, opposite our quartermaster's depot, which will effectually prevent the rebels from using artillery hereafter against our camps.

I learn this evening that there is a force of twenty thousand men about six miles back from this point, on the south bank of the river. What their object is, I do not know, but will keep a sharp lookout on their movements.

I am sending off sick as rapidly as our transports will take them. I am also doing every thing in my power to carry out your orders, to push reconnoissances toward the rebel capital, and hope soon to find out whether the reports regarding the abandonment of that place are true.

GEORGE B. McCLELLAN,
Major-General.

Major-General H. W. HALLECK,
Commanding United States Army.

To the despatch of one P.M., August fifth, the following answer was received:

WASHINGTON, August 6, 1862—3 A.M.

I have no reinforcements to send you.

H. W. HALLECK,
Major-General.

Major-General G. B. McCLELLAN.

And soon after the following:

WASHINGTON, August 6, 1862.

You will immediately send a regiment of cavalry and several batteries of artillery to Burnside's command at Acquia Creek. It is reported that Jackson is moving north with a very large force.

H. W. HALLECK,
Major-General.

Major-General G. B. McCLELLAN.

On the fourth I had received General Halleck's order of the third, (which appears below,) directing me to withdraw the army to Acquia, and on the same day sent an earnest protest against it. A few hours before this, General Hooker had informed me that his cavalry pickets reported large bodies of the enemy advancing and driving them in, and that he would probably be attacked at daybreak.

Under these circumstances I had determined to support him; but as I could not get the whole

army in position until the next afternoon, I concluded, upon the receipt of the above telegram from the General-in-Chief, to withdraw General Hooker, that there might be the least possible delay in conforming to General Halleck's orders. I therefore sent to General Hooker the following letter:

HEADQUARTERS ARMY OF THE POTOMAC,
BERKELEY, August 6, 1862—10 P.M.

MY DEAR GENERAL: I find it will not be possible to get the whole army into position before some time to-morrow afternoon, which will be too late to support you, and hold the entire position, should the enemy attack in large force at daybreak, which there is strong reason to suppose he intends doing.

Should we fight a general battle at Malvern, it will be necessary to abandon the whole of our works here, and run the risk of getting back here.

Under advices I have received from Washington, I think it necessary for you to abandon the position to-night, getting every thing away before daylight.

Please leave cavalry pickets at Malvern, with orders to destroy the Turkey Creek bridge when they are forced back.

The roads leading into Haxall's from the right should be strongly watched, and Haxall's at least held by a strong cavalry force and some light batteries as long as possible.

I leave the manner of the withdrawal entirely to your discretion.

Please signal to the fleet when the withdrawal is about completed.

Report frequently to these headquarters.

General Sumner was ordered up to support you, but will halt where this passes him, and will inform you where he is.

GEORGE B. McCLELLAN,
Major-General.

General J. HOOKER,
Commanding at Malvern Hill.

And the following reply was sent to General Halleck:

HEADQUARTERS ARMY OF THE POTOMAC,
BERKELEY, August 6, 1862—11.30 P.M.

Despatch of to-day received. I have not quite (4000) four thousand cavalry for duty in cavalry division, so that I cannot possibly spare any more.

I really need many more than I now have to carry out your instructions.

The enemy are moving a large force on Malvern Hill. In view of your despatches, and the fact that I cannot place the whole army in position before daybreak, I have ordered Hooker to withdraw during the night if it is possible; if he cannot do so, I must support him.

Until this matter is developed I cannot send any batteries; I hope I can do so to-morrow if transportation is on hand.

I will obey the order as soon as circumstances permit. My artillery is none too numerous now. I have only been able to send off some (1200)

one thousand two hundred sick. No transportation. There shall be no delay that I can avoid.

GEORGE B. McCLELLAN,
Major-General Commanding.

Major-General H. W. HALLECK,
Commanding U. S. Army.

Five batteries, with their horses and equipments complete, were embarked on the seventh and eighth, simultaneously with General Hooker's operations upon Malvern.

I despatched a cavalry force under Colonel Averill toward Savage's Station, to ascertain if the enemy were making any movements toward our right flank.

He found a rebel cavalry regiment near the White Oak swamp bridge, and completely routed it, pursuing well toward Savage's Station.

These important preliminary operations assisted my preparations for the removal of the army to Acquia Creek; and the sending off our sick and supplies was pushed both day and night as rapidly as the means of transportation permitted.

On the subject of the withdrawal of the army from Harrison's Landing, the following correspondence passed between the General-in-Chief and myself, while the reconnoissances toward Richmond were in progress.

On the second of August I received the following:

WASHINGTON, August 2, 1862—3.45 P.M.

You have not answered my telegram of July thirtieth, eight P.M., about the removal of your sick. Remove them as rapidly as possible, and telegraph me when they will be out of your way. The President wishes an answer as early as possible.

H. W. HALLECK,
Major-General.

Major-General G. B. McCLELLAN.

To which this reply was sent:

HEADQUARTERS ARMY OF THE POTOMAC, }
BERKELEY, August 3—11 P.M.

Your telegram of (2) second is received. The answer (to despatch of July thirtieth) was sent this morning.

We have about (12,500) twelve thousand five hundred sick, of whom perhaps (4000) four thousand might make easy marches. We have here the means to transport (1200) one thousand two hundred, and will embark to-morrow that number of the worst cases, with all the means at the disposal of the Medical Director; the remainder could be shipped in from (7) seven to (10) ten days.

It is impossible for me to decide what cases to send off, unless I know what is to be done with this army.

Were the disastrous measures of a retreat adopted, all the sick who cannot march and fight should be despatched by water.

Should the army advance, many of the sick could be of service at the depots. If it is to remain here any length of time, the question assumes still a different phase.

Until I am informed what is to be done, I cannot act understandingly or for the good of the

service. If I am kept longer in ignorance of what is to be effected, I cannot be expected to accomplish the object in view.

In the mean time I will do all in my power to carry out what I conceive to be your wishes.

Geo. B. McCLELLAN,
Major-General Commanding.

Major-General H. W. HALLECK,
Commanding Army, Washington, D. C.

The moment I received the instructions for removing the sick, I at once gave the necessary directions for carrying them out.

With the small amount of transportation at hand, the removal of the severe cases alone would necessarily take several days, and, in the mean time, I desired information to determine what I should do with the others.

The order required me to send them away as quickly as possible, and to notify the General-in-Chief when they were removed.

Previous to the receipt of the despatch of the second of August, not having been advised of what the army under my command was expected to do, or which way it was to move, if it moved at all, I sent the following despatch:

HEADQUARTERS ARMY OF THE POTOMAC, }
BERKELEY, August 2, 1862.

I hear of sea-steamers at Fort Monroe; are they for removing my sick? If so, to what extent am I required to go in sending them off? There are not many who need go.

As I am not in any way informed of the intentions of the Government in regard to this army, I am unable to judge what proportion of the sick should leave here, and must ask for specific orders.

G. B. McCLELLAN,
Major-General Commanding.

Major-General H. W. HALLECK,
Commanding United States Army, Washington.

If the army was to retreat to Fort Monroe, it was important that it should be unencumbered with any sick, wounded, or other men who might at all interfere with its mobility; but if the object was to operate directly on Richmond, from the position we then occupied, there were many cases of slight sickness which would speedily be cured, and the patients returned to duty.

As the service of every man would be important in the event of a forward offensive movement, I considered it to be of the utmost consequence that I should know what was to be done. It was to ascertain this that I sent the despatch of eleven P.M. on the third, before receiving the following telegram:

WASHINGTON, August 3, 1862—7.45 P.M.

I have waited most anxiously to learn the result of your forced reconnoissance toward Richmond, and also whether all your sick have been sent away, and I can get no answer to my telegram.

It is determined to withdraw your army from the Peninsula to Acquia Creek. You will take immediate measures to effect this, covering the movement the best you can.

Its real object and withdrawal should be concealed even from your own officers.

Your material and transportation should be removed first. You will assume control of all the means of transportation within your reach, and apply to the naval forces for all the assistance they can render you. You will consult freely with the commander of these forces. The entire execution of the movement is left to your discretion and judgment.

You will leave such forces as you may deem proper at Fort Monroe, Norfolk, and other places, which we must occupy.

H. W. HALLECK,

Major-General Commanding United States Army.

Major-General GEO. B. McCLELLAN.

I proceeded to obey this order with all possible rapidity, firmly impressed, however, with the conviction that the withdrawal of the army of the Potomac from Harrison's Landing, where its communications had by the coöperation of the gunboats been rendered perfectly secure, would, at that time, have the most disastrous effect upon our cause.

I did not, as the commander of that army, allow the occasion to pass without distinctly setting forth my views upon the subject to the authorities in the following telegram:

HEADQUARTERS ARMY OF THE POTOMAC,
BERKELEY, August 4, 1862—12 M. }

Your telegram of last evening is received. I must confess that it has caused me the greatest pain I ever experienced, for I am convinced that the order to withdraw this army to Acquia Creek will prove disastrous to our cause. I fear it will be a fatal blow. Several days are necessary to complete the preparations for so important a movement as this, and while they are in progress, I beg that careful consideration may be given to my statements.

This army is now in excellent discipline and condition. We hold a débouché on both banks of the James River, so that we are free to act in any direction; and with the assistance of the gunboats, I consider our communications as now secure.

We are twenty-five (25) miles from Richmond, and are not likely to meet the enemy in force sufficient to fight a battle until we have marched fifteen (15) to eighteen (18) miles, which brings us practically within ten (10) miles of Richmond. Our longest line of land transportation would be from this point twenty-five (25) miles, but with the aid of the gunboats we can supply the army by water during its advance, certainly to within twelve (12) miles of Richmond.

At Acquia Creek we would be seventy-five (75) miles from Richmond, with land transportation all the way.

From here to Fort Monroe is a march of about seventy (70) miles, for I regard it as impracticable to withdraw this army and its material, except by land.

The result of the movement would thus be a march of one hundred and forty-five (145) miles

to reach a point now only twenty-five (25) miles distant, and to deprive ourselves entirely of the powerful aid of the gunboats and water transportation.

Add to this the certain demoralization of this army which would ensue, the terribly depressing effect upon the people of the North, and the strong probability that it would influence foreign powers to recognize our adversaries; and these appear to me sufficient reasons to make it my imperative duty to urge in the strongest terms afforded by our language that this order may be rescinded, and that far from recalling this army, it may be promptly reinforced to enable it to resume the offensive.

It may be said that there are no reinforcements available. I point to Burnside's force; to that of Pope, not necessary to maintain a strict defensive in front of Washington and Harper's Ferry; to those portions of the army of the West not required for a strict defensive there. Here, directly in front of this army, is the heart of the rebellion; it is here that all our resources should be collected to strike the blow which will determine the fate of the nation.

All points of secondary importance elsewhere should be abandoned, and every available man brought here; a decided victory here, and the military strength of the rebellion is crushed. It matters not what partial reverses we may meet with elsewhere; here is the true defence of Washington; it is here, on the banks of the James, that the fate of the Union should be decided.

Clear in my convictions of right, strong in the consciousness that I have ever been, and still am, actuated solely by the love of my country, knowing that no ambitious or selfish motives have influenced me from the commencement of this war, I do now, what I never did in my life before, I entreat that this order may be rescinded.

If my counsel does not prevail, I will with a sad heart obey your orders to the utmost of my power, directing to the movement, which I clearly foresee will be one of the utmost delicacy and difficulty, whatever skill I may possess. Whatever the result may be—and may God grant that I am mistaken in my forebodings—I shall at least have the internal satisfaction that I have written and spoken frankly, and have sought to do the best in my power to avert disaster from my country.

G. B. McCLELLAN,
Major-General Commanding.

Major-General H. W. HALLECK,
Commanding United States Army.

Soon after sending this telegram, I received the following, in reply to mine of eleven P.M. of the third.

WASHINGTON, August 4, 1862—12.45 P.M.

My telegram to you of yesterday will satisfy you in regard to future operations; it was expected that you would have sent off your sick, as directed, without waiting to know what were or would be the intentions of the Government respecting future movements.

The President expects that the instructions

which were sent you yesterday, with his approval, will be carried out with all possible despatch and caution. The Quartermaster-General is sending to Fort Monroe all the transportation he can collect.

H. W. HALLECK,

Major-General.

Major-General G. B. McCLELLAN.

To which the following is my reply :

HEADQUARTERS ARMY OF THE POTOMAC, }
BERKELEY, August 6, 1862—7 A.M. }

Your telegram of yesterday received, and is being carried out as promptly as possible. With the means at my command, no human power could have moved the sick in the time you say you expected them to be moved.

GEO. B. McCLELLAN,

Major-General.

Major-General H. W. HALLECK,

Commanding United States Army.

My efforts for bringing about a change of policy were unsuccessful, as will be seen from the following telegram and letter received by me in reply to mine of twelve m. of the fourth :

WASHINGTON, August 5, 1862—12 m.

You cannot regret the order of the withdrawal more than I did the necessity of giving it. It will not be rescinded, and you will be expected to execute it with all possible promptness. It is believed that it can be done now without serious danger. This may not be so if there should be any delay. I will write you my views more fully by mail.

H. W. HALLECK,

Major-General Commanding United States Army.

Major-General G. B. McCLELLAN,

The letter was as follows :

HEADQUARTERS OF THE ARMY, }
WASHINGTON, August 6, 1862. }

GENERAL: Your telegram of yesterday was received this morning, and I immediately telegraphed a brief reply, promising to write you more fully by mail.

You, General, certainly could not have been more pained at receiving my order than I was at the necessity of issuing it. I was advised by high officers, in whose judgment I had great confidence, to make the order immediately on my arrival here, but I determined not to do so until I could learn your wishes from a personal interview. And even after that interview I tried every means in my power to avoid withdrawing your army, and delayed my decision as long as I dared to delay it.

I assure you, General, it was not a hasty and inconsiderate act, but one that caused me more anxious thoughts than any other of my life. But after full and mature consideration of all the *pros* and *cons*, I was reluctantly forced to the conclusion that the order must be issued—there was to my mind no alternative.

Allow me to allude to a few of the facts in the case.

You and your officers at our interview estimated the enemy's forces in and around Rich-

mond at two hundred thousand men. Since then, you and others report that they have received and are receiving large reinforcements from the South. General Pope's army, covering Washington, is only about forty thousand. Your effective force is only about ninety thousand. You are thirty miles from Richmond, and General Pope eighty or ninety, with the enemy directly between you ready to fall with his superior numbers upon one or the other as he may elect; neither can reinforce the other in case of such an attack.

If General Pope's army be diminished to reinforce you, Washington, Maryland, and Pennsylvania would be left uncovered and exposed. If your force be reduced to strengthen Pope, you would be too weak to even hold the position you now occupy, should the enemy turn round and attack you in full force. In other words, the old army of the Potomac is split into two parts, with the entire force of the enemy directly between them. They cannot be united by land without exposing both to destruction, and yet they must be united. To send Pope's forces by water to the Peninsula is, under present circumstances, a military impossibility. The only alternative is to send the forces on the Peninsula to some point by water, say Fredericksburgh, where the two armies can be united.

Let me now allude to some of the objections which you have urged: you say that the withdrawal from the present position will cause the certain demoralization of the army 'which is now in excellent discipline and condition.'

I cannot understand why a simple change of position to a new and by no means distant base will demoralize an army in excellent discipline, unless the officers themselves assist in that demoralization, which I am satisfied they will not.

Your change of front from your extreme right at Hanover Court-House to your present condition was over thirty miles, but I have not heard that it demoralized your troops, notwithstanding the severe losses they sustained in effecting it.

A new base on the Rappahannock at Fredericksburgh brings you within about sixty miles of Richmond, and secures a reinforcement of forty or fifty thousand fresh and disciplined troops.

The change with such advantages will, I think, if properly represented to your army, encourage rather than demoralize your troops. Moreover, you yourself suggested that a junction might be effected at Yorktown, but that a flank march across the isthmus would be more hazardous than to retire to Fort Monroe.

You will remember that Yorktown is two or three miles further than Fredericksburgh is. Besides, the latter is between Richmond and Washington, and covers Washington from any attack of the enemy.

The political effect of the withdrawal may at first be unfavorable; but I think the public are beginning to understand its necessity, and that they will have much more confidence in a united army than in its separated fragments.

But you will reply, why not reinforce me here, so that I can strike Richmond from my present position? To do this, you said, at our interview, that you required thirty thousand additional troops. I told you that it was impossible to give you so many. You finally thought you would have 'some chance' of success with twenty thousand. But you afterward telegraphed me that you would require thirty-five thousand, as the enemy was being largely reinforced.

If your estimate of the enemy's strength was correct, your requisition was perfectly reasonable; but it was utterly impossible to fill it until new troops could be enlisted and organized, which would require several weeks.

To keep your army in its present position until it could be so reinforced would almost destroy it in that climate.

The months of August and September are almost fatal to whites who live on that part of James River; and even after you received the reinforcements asked for, you admitted that you must reduce Fort Darling and the river-batteries before you could advance on Richmond.

It is by no means certain that the reduction of these fortifications would not require considerable time—perhaps as much as those at Yorktown.

This delay might not only be fatal to the health of your army, but in the mean time General Pope's forces would be exposed to the heavy blows of the enemy without the slightest hope of assistance from you.

In regard to the demoralizing effect of a withdrawal from the Peninsula to the Rappahannock, I must remark that a large number of your highest officers, indeed a majority of those whose opinions have been reported to me, are decidedly in favor of the movement. Even several of those who originally advocated the line of the Peninsula now advise its abandonment.

I have not inquired, and do not wish to know, by whose advice or for what reasons the army of the Potomac was separated into two parts with the enemy between them. I must take things as I find them.

I find the forces divided, and I wish to unite them. Only one feasible plan has been presented for doing this. If you, or any one else, had presented a better plan, I certainly should have adopted it. But all of your plans require reinforcements which it is impossible to give you. It is very easy to ask for reinforcements, but it is not so easy to give them when you have no disposable troops at your command.

I have written very plainly as I understand the case, and I hope you will give me credit for having fully considered the matter, although I may have arrived at very different conclusions from your own.

Very respectfully, your obedient servant,

H. W. HALLECK,
General-in-Chief.

Major-General G. B. McCLELLAN,
Commanding, etc., Berkeley, Virginia.

On the seventh I received the following telegram:

WASHINGTON, August 7, 1862—10 A.M.

You will immediately report the number of sick sent off since you received my order, the number still to be shipped, and the amount of transportation at your disposal—that is, the number of persons that can be carried on all the vessels which by my order you were authorized to control.

H. W. HALLECK,
Major-General.

Major-General G. B. McCLELLAN.

To which I made this reply:

HEADQUARTERS ARMY OF THE POTOMAC,
August 7, 1862—10.40 P.M.

In reply to your despatch of ten A.M. to-day, I report the number of sick sent off since I received your order as follows: Three thousand seven hundred and forty, including some that are embarked to-night and will leave in the morning. The number still to be shipped is, as nearly as can be ascertained, five thousand seven hundred.

The embarkation of five batteries of artillery, with their horses, wagons, etc., required most of our available boats except the ferry-boats. All the transports that can ascend to this place have been ordered up; they will be here to-morrow evening. Colonel Ingalls reports to me that there are no transports now available for cavalry, and will not be for two or three days. As soon as they can be obtained I shall send off the First New-York cavalry.

After the transports with sick and wounded have returned, including some heavy-draught steamers at Fort Monroe that cannot come to this point, we can transport twenty-five thousand men at a time. We have some propellers here, but they are laden with commissary supplies and are not available.

The transports now employed in transporting sick and wounded will carry twelve thousand well infantry soldiers. Those at Fort Monroe, and of too heavy draught to come here, will carry eight thousand or ten thousand infantry. Several of the largest steamers have been used for transporting prisoners of war, and have only become available for the sick to-day.

GEORGE B. McCLELLAN,
Major-General.

Major-General H. W. HALLECK,
Commanding United States Army.

The report of my Chief Quartermaster upon the subject is as follows:

HEADQUARTERS ARMY OF THE POTOMAC,
OFFICE OF CHIEF QUARTERMASTER, HARRISON'S LANDING,
August 7, 1862.

GENERAL: I have the honor to return the papers herewith which you sent me, with the following remarks:

We are embarking five batteries of artillery, with their horses, baggage, etc., which requires the detailing of most of our available boats, except the ferry-boats. The medical department has ten or twelve of our largest transport vessels, which, if disposable, could carry twelve thousand men. Besides, there are some heavy-draught steamers at Fort Monroe that cannot come to this

point, but which can carry eight thousand or ten thousand infantry.

I have ordered all up here that can ascend to this depot. They will be here to-morrow evening. As it now is, after the details already made, we cannot transport from this place more than five thousand infantry.

There are no transports now available for cavalry. From and after to-morrow, if the vessels arrive, I could transport ten thousand infantry. In two or three days a regiment of cavalry can be sent if required. If you wait, and ship from Yorktown or Fort Monroe after the sick and wounded transports are at my disposal, we can transport twenty-five thousand at a time. The number that can be transported is contingent on circumstances referred to.

Most of the propellers here are laden with commissary or other supplies, and most of the tugs are necessary to tow off sail craft also laden with supplies.

I am, very respectfully, your most obedient servant,

General R. B. MARCY,
Chief of Staff.

RUFUS INGALLS,
Chief Quartermaster.

On the ninth I received this despatch;

WASHINGTON, August 9, 1862—12.45 P.M.

I am of the opinion that the enemy is massing his forces in front of Generals Pope and Burnside, and that he expects to crush them and move forward to the Potomac.

You must send reinforcements instantly to Acquia Creek.

Considering the amount of transportation at your disposal, your delay is not satisfactory. You must move with all possible celerity.

H. W. HALLECK,
Major-General.

Major-General G. B. McCLELLAN.

To which I sent the following reply:

HEADQUARTERS ARMY OF THE POTOMAC, }
BERKELEY, August 10, 1862—8 A.M. }

Telegram of yesterday received. The batteries sent to Burnside took the last available transport yesterday morning. Enough have since arrived to ship one regiment of cavalry to-day. The sick are being embarked as rapidly as possible. There has been no unnecessary delay, as you assert—not an hour's—but every thing has been and is being pushed as rapidly as possible to carry out your orders.

G. B. McCLELLAN,
Major-General Commanding.

Major-General H. W. HALLECK,
Commanding United States Army.

The following report, made on the same day by the officer then in charge of the transports, exposes the injustice of the remark in the despatch of the General-in-Chief, that, "considering the amount of transportation at your disposal your delay is not satisfactory."

ASSISTANT QUARTERMASTER'S OFFICE, }
ARMY OF THE POTOMAC, }
HARRISON'S LANDING, VA., August 10, 1862. }

Colonel Ingalls, being himself ill, has requested me to telegraph to you concerning the state and

capacity of the transports now here. On the night of the eighth I despatched eleven steamers, principally small ones, and six schooners, with five batteries of heavy horse artillery, none of which have yet returned.

Requisition is made this morning for transportation of one thousand cavalry to Acquia Creek. All the schooners that had been chartered for carrying horses have been long since discharged, or changed into freight vessels.

A large proportion of the steamers now here are still loaded with stores, or are in the floating hospital service engaged in removing the sick. To transport the one thousand cavalry to-day will take all the available steamers now here not engaged in the service of the harbor. These steamers could take a large number of infantry, but are not well adapted to the carrying of horses, and much space is thus lost. Several steamers are expected here to-day, and we are unloading schooners rapidly; most of these are not chartered, but are being taken for the service required, at same rates of pay as other chartered schooners. If you could cause a more speedy return of the steamers sent away from here, it would facilitate matters.

C. G. SAWTELLE,
Captain and Assistant Quartermaster, Commanding Depot.
General M. C. MEIGS,
Quartermaster General United States Army, Washington.

Our wharf facilities at Harrison's Landing were very limited, admitting but few vessels at one time. These were continually in use as long as there were disposable vessels, and the officers of the medical and quartermaster's departments, with all their available forces, were incessantly occupied day and night in embarking and sending off the sick men, troops, and material.

Notwithstanding the repeated representations I made to the General-in-Chief that such were the facts, on the tenth I received the following:

WASHINGTON, August 10, 1862—12 P.M.

The enemy is crossing the Rapidan in large force. They are fighting General Pope to-day; there must be no further delay in your movements; that which has already occurred was entirely unexpected, and must be satisfactorily explained. Let not a moment's time be lost, and telegraph me daily what progress you have made in executing the order to transfer your troops.

H. W. HALLECK,
Major-General.

Major-General G. B. McCLELLAN.

To which I sent this reply:

HEADQUARTERS ARMY OF THE POTOMAC, }
BERKELEY, August 10, 1862—11.30 P.M. }

Your despatch of to-day is received. I assure you again that there has not been any unnecessary delay in carrying out your orders.

You are probably laboring under some great mistake as to the amount of transportation available here.

I have pushed matters to the utmost in getting off our sick, and the troops you ordered to Burnside.

Colonel Ingalls has more than once informed

the Quartermaster General of the condition of our water transportation. From the fact that you directed me to keep the order secret, I took it for granted that you would take the steps necessary to provide the requisite transportation.

A large number of transports for all arms of service, and for wagons, should at once be sent to Yorktown and Fort Monroe.

I shall be ready to move the whole army by land the moment the sick are disposed of. You may be sure that not an hour's delay will occur that can be avoided. I fear you do not realize the difficulty of the operation proposed.

The regiment of cavalry for Burnside has been in course of embarkation to-day and to-night; (10) ten steamers were required for the purpose; (1258) one thousand two hundred and fifty-eight sick loaded to-day and to-night.

Our means exhausted, except one vessel returning to Fort Monroe in the morning, which will take some (500) five hundred cases of slight sickness.

The present moment is probably not the proper one for me to refer to the unnecessary, harsh, and unjust tone of your telegrams of late. It will, however, make no difference to my official action.

G. B. McCLELLAN,

Major-General Commanding.

Major-General H. W. HALLECK.

Commanding United States Army.

On the eleventh this report was made:

HEADQUARTERS ARMY OF THE POTOMAC, }
BIRMINGHAM, August 11, 1862—11.30 P.M. }

The embarkation of (850) eight hundred and fifty cavalry, and (1) one brigade of infantry will be completed by (2) two o'clock in the morning; (500) five hundred sick were embarked to-day. Another vessel arrived to-night, and (600) six hundred more sick are now being embarked. I still have some (4000) four thousand sick to dispose of. You have been greatly misled as to the amount of transportation at my disposal.

Vessels loaded to their utmost capacity with stores, and others indispensable for service here, have been reported to you as available for carrying sick and well. I am sending off all that can be unloaded at Fort Monroe to have them return here. I repeat that I have lost no time in carrying out your orders.

G. B. McCLELLAN,

Major-General Commanding.

Major-General H. W. HALLECK,

Commanding United States Army.

On the same day I received the following from the Quartermaster in charge of the depot:

ASSISTANT QUARTERMASTER'S OFFICE, }
ARMY OF THE POTOMAC, }
HARRISON'S LANDING, August 11, 1862. }

COLONEL: In reply to the communication from General Marcy, which was referred to me by you, I have to state that there are now in this harbor no disposable transports not already detailed, either for the use of the hospital department, for the transportation of the First New-York cavalry, or for the necessary service of the harbor. I think the steamers loading and to be

loaded with cavalry could take in addition three thousand infantry. These boats are, however, directed to leave as fast as they are loaded; some have already started. The embarkation of this cavalry regiment is going on very slowly, and it is not in my power to hurry the matter, although I have had several agents of the department and one commissioned officer at the wharf, to render all the assistance possible. The entire army is this morning turning in, to be stored on vessels, knapsacks, officers' baggage, and other surplus property, and with our limited wharf facilities it is impossible, unless the regular issues of forage, etc., are suspended, to avoid great confusion and delay with what is already ordered to be done. Of course, if any infantry is ordered to embark on these cavalry transports, the confusion and difficulties will be increased.

I know of no boats that may be expected here to-day, except the South America and Fanny Cadwallader, a propeller which was ordered to be sent back from Fort Monroe.

The transports with the artillery left for Acquia Creek on the night of the eighth and the morning of the ninth. They were ordered to return immediately.

I am, very respectfully, your obedient servant,

O. G. SAWYELL,

Captain and A. Q. M., Commanding Depot.

Lieutenant-Colonel RUFUS INGALLS,

A. D. C. and Chief Quartermaster, Army of the Potomac

On the twelfth I received the following:

WASHINGTON, August 12, 1862—12 M.

The Quartermaster-General informs me that nearly every available steam vessel in the country is now under your control. To send more from Philadelphia, Baltimore, and New-York, would interfere with the transportation of army supplies and break up the channels of travel by which we are to bring forward the new troops. Burnside moved nearly thirteen thousand (13,000) troops to Acquia Creek in less than two (2) days, and his transports were immediately sent back to you. All vessels in the James River and the Chesapeake Bay were placed at your disposal, and it was supposed that (8) eight or (10) ten thousand of your men could be transported daily.

In addition to steamers, there is a large fleet of sailing vessels which could be used as transports.

The bulk of your material on shore it was thought could be sent to Fort Monroe, covered by that part of the army which could not get water transportation. Such were the views of the Government here; perhaps we were misinformed as to the facts. If so, the delay could be explained. Nothing in my telegram was intentionally harsh or unjust, but the delay was so unexpected that an explanation was required. There has been, and is, the most urgent necessity for despatch, and not a single moment must be lost in getting additional troops in front of Washington.

H. W. HALLECK,

Major-General.

Major-General G. B. McCLELLAN.

I telegraphed the following reply :

HEADQUARTERS ARMY OF THE POTOMAC, }
BEAKLEY, August 12, 1862—11 P.M. }

Your despatch of noon to day received. It is positively the fact that no more men could have been embarked hence than have gone, and that no unnecessary delay has occurred. Before your orders were received, Colonel Ingalls directed all available vessels to come from Monroe. Officers have been sent to take personal direction. Have heard nothing here of Burnside's fleet.

There are some vessels at Monroe, such as Atlantic and Baltic, which draw too much to come here. Hospital accommodations exhausted this side New-York. Propose filling Atlantic and Baltic with serious cases, for New-York, and to encamp slight cases for the present at Monroe. In this way can probably get off the (3400) three thousand four hundred sick, still on hand, by day after to-morrow night.

I am sure that you have been misinformed as to the availability of vessels on hand. We cannot use heavily loaded supply vessels for troops or animals; and such constitute the mass of those here, which have been represented to you as capable of transporting this army.

I fear you will find very great delay in embarking troops and material at Yorktown and Monroe, both from want of vessels and of facilities of embarkation; at least two additional wharves should at once be built at each place. I ordered two at the latter some (2) two weeks ago, but you countermanded the order.

I learn that wharf accommodations at Acquia are altogether inadequate for landing troops and supplies to any large extent. Not an hour should be lost in remedying this.

Great delay will ensue there from shallow water. You will find a vast deficiency in horse transports. We had nearly two hundred when we came here; I learn of only (20) twenty provided now; they carry about (50) fifty horses each. More hospital accommodations should be provided. We are much impeded here because our wharves are used night and day to land current supplies. At Monroe a similar difficulty will occur.

With all the facilities at Alexandria and Washington, (6) six weeks about were occupied in embarking this army and its material.

Burnside's troops are not a fair criterion for rate of embarkation. All his means were in hand, his outfit specially prepared for the purpose, and his men habituated to the movement.

There shall be no unnecessary delay, but I cannot manufacture vessels. I state these difficulties from experience, and because it appears to me that we have been lately working at cross purposes, because you have not been properly informed by those around you, who ought to know the inherent difficulties of such an undertaking. It is not possible for any one to place this army where you wish it, ready to move, in less than a month.

If Washington is in danger now, this army can scarcely arrive in time to save it; it is in

much better position to do so from here than from Acquia.

Our material can only be saved by using the whole army to cover it, if we are pressed. If sensibly weakened by detachments, the result might be the loss of much material and many men. I will be at the telegraph office to-morrow morning.

G. B. McCLELLAN,
Major-General.

Major-Gen. H. W. HALLECK, Washington, D. C.

To the reasons given in the foregoing despatch, to show why General Burnside's movement from Fort Monroe was not a fair criterion for our operations, the following may be added :

He was not encumbered by either sick or wounded men.

He had no cavalry, artillery, wagons, or teams. His force consisted of infantry alone, with a few ambulances and officers' horses.

His baggage was already on the transports, where it had remained since his arrival from North-Carolina, and his men had only to resume their places on board.

The cavalry and artillery mentioned in my despatches of the seventh, tenth, and eleventh, were sent to supply his total deficiency in those arms.

I may also repeat that the vessels used by General Burnside had not returned from Acquia Creek when the army left Harrison's Bar.

It will be seen by the concluding paragraph of the foregoing despatch that in order to have a more direct, speedy, and full explanation of the condition of affairs in the army than I could by sending a single despatch by steamer to the nearest telegraph office at Jamestown Island, some seventy miles distant, and waiting ten hours for a reply, I proposed to go in person to the office. This I did.

On my arrival at Jamestown Island there was an interruption in the electric current, which rendered it necessary for me to continue on to Fort Monroe, and across the Chesapeake Bay to Cherry Stone Inlet, on the "eastern shore," where I arrived late in the evening, and immediately sent the annexed despatches :

CHERRY STONE, August 13, 1862—11.30 P.M.

Please come to office; wish to talk to you. What news from Pope?

G. B. McCLELLAN,
Major-General.

Major-General H. W. HALLECK, Washington.

CHERRY STONE INLET, August 14, 1862—12.30 A.M.

Started to Jamestown Island to talk with you; found cable broken, and came here. Please read my long telegram. (See above despatch of August twelfth, eleven P.M.) All quiet at camp. Enemy burned wharves at City Point yesterday. No rebel pickets within eight (8) miles of Coggin's Point yesterday.

Richmond prisoners state that large force with guns left Richmond northward on Sunday.

G. B. McCLELLAN,
Major-General.

Major-General H. W. HALLECK, Washington.

To which the following reply was received:

WASHINGTON, August 14, 1862—1.40 A.M.

I have read your despatch. There is no change of plans. You will send up your troops as rapidly as possible. There is no difficulty in landing them. According to your own accounts, there is now no difficulty in withdrawing your forces. Do so with all possible rapidity.

H. W. HALLECK,
Major-General.

Major-General G. B. McCLELLAN.

Before I had time to decipher and reply to this despatch, the telegraph operator in Washington informed me that General Halleck had gone out of the office immediately after writing this despatch, without leaving any intimation of the fact for me, or waiting for any further information as to the object of my journey across the bay. As there was no possibility of other communication with him at that time, I sent the following despatch, and returned to Harrison's Landing:

CHERRY STONE INLET, August 14, 1862—1.40 A.M.

Your orders will be obeyed. I return at once. I had hoped to have had a longer and fuller conversation with you, after travelling so far for the purpose.

G. B. McCLELLAN,
Major-General.

Major-Gen. H. W. HALLECK, Washington, D. C.

On the fourteenth and fifteenth, and before we had been able to embark all our sick men, two army corps were put in motion toward Fort Monroe. This was reported in the annexed despatch:

HEADQUARTERS ARMY OF THE POTOMAC,
BERKELEY, August 14, 1862—11 P.M.

Movement has commenced by land and water. All sick will be away to-morrow night. Every thing being done to carry out your orders. I don't like Jackson's movements; he will suddenly appear when least expected. Will telegraph fully and understandingly in the morning.

G. B. McCLELLAN,
Major-General.

Major-Gen. H. W. HALLECK, Washington, D. C.

The phrase "movement has commenced," it need not be remarked, referred obviously to the movement of the main army, after completing the necessary preliminary movements of the sick, etc. etc.

The perversion of the term, to which the General-in-Chief saw fit to give currency in a letter to the Secretary of War, should have been here rendered impossible by the despatches which precede this of the fourteenth, which show that the movement really begun immediately after the receipt of the order of August fourth.

The progress made in the movement on the fifteenth was reported in the following despatches:

HEADQUARTERS ARMY OF THE POTOMAC,
August 15, 1862—12 M.

Colonel Ingalls this moment reports that after embarking the remaining brigade of McCall's division, with the sick, who are constantly accumulating, the transports now disposable will be all consumed.

Two of my army corps marched last night and

this morning *en route* for Yorktown—one *via* Jones's Bridge, and the other *via* Barrett's Ferry, where we have a pontoon-bridge. The other corps will be pushed forward as fast as the roads are clear; and I hope before to-morrow morning to have the entire army in motion.

A report has just been received from my pickets that the enemy in force is advancing on us from the Chickahominy, but I do not credit it; shall know soon. Should any more transports arrive here before my departure, and the enemy do not show such a force in our front as to require all the troops I have remaining to insure the safety of the land movement, with its immense train, I shall send every man by water that the transports will carry.

G. B. McCLELLAN,
Major-General.

Major-General H. W. HALLECK,
Commanding U. S. A.

HEADQUARTERS ARMY OF THE POTOMAC,
BERKELEY, August 15, 1862—1.30 P.M.

The advance corps and trains are fairly started. I learn nothing more in relation to reported advance of rebels *via* Jones's Bridge. Shall push the movement as rapidly as possible.

G. B. McCLELLAN,
Major-General.

Major-Gen. H. W. HALLECK, Washington, D. C.

HEADQUARTERS ARMY OF THE POTOMAC,
BERKELEY, August 15, 1862—10 P.M.

Coggin's Point is abandoned. The whole of McCall's division, with its artillery, is now *en route* for Burnside. We have not yet transportation sufficient for our sick. I hope we will get it to-morrow.

Porter is across the Chickahominy, near its mouth, with his wagons and reserve artillery. Heintzelman at Jones's Bridge with a portion of his corps. They will all be up by morning.

Averill's cavalry on the other side. All quiet thus far. I cannot get the last of the wagons as far as Charles City Court-House before some time to-morrow afternoon.

I am hurrying matters with the utmost rapidity possible. Wagons will move all night.

G. B. McCLELLAN,
Major-General.

Major-Gen. H. W. HALLECK, Washington, D. C.

After the commencement of the movement, it was continued with the utmost rapidity, until all the troops and material were *en route* both by land and water, on the morning of the sixteenth.

Late in the afternoon of that day, when the last man had disappeared from the deserted camps, I followed with my personal staff in the track of the grand army of the Potomac; bidding farewell to the scenes still covered with the marks of its presence, and to be forever memorable in history as the vicinity of its most brilliant exploits.

Previous to the departure of the troops, I had directed Captain Duane, of the engineer corps, to proceed to Barrett's Ferry, near the mouth of the Chickahominy, and throw across the river at that point a pontoon-bridge. This was executed promptly and satisfactorily, under the cover of gunboats; and an excellent bridge of about two thousand

feet in length was ready for the first arrival of troops.

The greater part of the army, with its artillery, wagon-trains, etc., crossed it rapidly, and in perfect order and safety, so that on the night of the seventeenth every thing was across the Chickahominy, except the rear-guard, which crossed early on the morning of the eighteenth, when the pontoon-bridge was immediately removed.

General Porter's corps, which was the first to march from Harrison's Landing, had been pushed forward rapidly, and on the sixteenth reached Williamsburgh, where I had directed him to halt until the entire army was across the Chickahominy.

On his arrival at Williamsburgh, however, he received an intercepted letter, which led to the belief that General Pope would have to contend against a very heavy force then in his front. General Porter, therefore, very properly took the responsibility of continuing his march directly on to Newport News, which place he reached on the morning of the eighteenth of August, having marched his corps sixty miles in the short period of three days and one night, halting one day at the crossing of the Chickahominy.

The embarkation of this corps commenced as soon as transports were ready, and on the twentieth it had all sailed for Acquia Creek. I made the following report from Barrett's Ferry:

HEADQUARTERS ARMY OF THE POTOMAC,
BARRETT'S FERRY, CHICKAHOMINY,
August 17, 1862—11 A.M.

Every thing is removed from our camp at Harrison's Bar. No property nor men left behind.

The (5th) Fifth corps is at Williamsburgh with all its wagons and the reserve artillery. The (3d) Third corps is on the march from Jones's Bridge to Williamsburgh via Diamond Bridge, and has probably passed the latter before this hour. Averill's cavalry watches every thing in that direction.

The mass of the wagons have passed the pontoon-bridge here, and are parked on the other side. Peck's wagons are now crossing; his division will soon be over. Headquarters wagons follow Peck's. I hope to have every thing over to-night, and the bridge removed by daylight. May be delayed beyond that time. Came here to see Burnside, otherwise should have remained with the rear-guard. Thus far all is quiet, and not a shot that I know of since we began the march.

I shall not feel entirely secure until I have the whole army beyond the Chickahominy. I will then begin to forward troops by water as fast as transportation permits.

G. B. McCLELLAN,
Major-General Commanding.

Major-General H. W. HALLECK,
Commanding United States Army, Washington, D. C.

On the eighteenth and nineteenth, our march was continued to Williamsburgh and Yorktown, and on the twentieth the remainder of the army was ready to embark at Yorktown, Fortress Monroe, and Newport News.

The movement of the main body of the army on this march was covered by General Pleasanton with his cavalry and horse artillery. That officer remained at Haxall's until the army had passed Charles City Court-House, when he gradually fell back, picking up the stragglers as he proceeded, and crossed the bridge over the Chickahominy, after the main body had marched toward Williamsburgh. His troops were the last to cross the bridge, and he deserves great credit for the manner in which he performed this duty.

General Averill did a similar service, in the same satisfactory way, in covering the march of the Third corps.

As the campaign on the Peninsula terminated here, I cannot close this part of my report without giving an expression of my sincere thanks and gratitude to the officers and men whom I had the honor to command.

From the commencement to the termination of this most arduous campaign, the army of the Potomac always evinced the most perfect subordination, zeal, and alacrity in the performance of all the duties required of it.

The amount of severe labor accomplished by this army in the construction of intrenchments, roads, bridges, etc., was enormous; yet all the work was performed with the most gratifying cheerfulness and devotion to the interests of the service.

During the campaign ten severely contested and sanguinary battles had been fought, besides numerous smaller engagements, in which the troops exhibited the most determined enthusiasm and bravery. They submitted to exposure, sickness, and even death, without a murmur. Indeed, they had become veterans in their country's cause, and richly deserved the warm commendation of the Government.

It was in view of these facts that this seemed to me an appropriate occasion for the General-in-Chief to give, in general orders, some appreciative expression of the services of the army while upon the Peninsula. Accordingly, on the eighteenth I sent him the following despatch:

HEADQUARTERS ARMY OF THE POTOMAC,
August 18, 1862—11 P.M.

Please say a kind word to my army that I can repeat to them in general orders in regard to their conduct at Yorktown, Williamsburgh, West-Point, Hanover Court-House, and on the Chickahominy, as well as in regard to the (7) seven days and the recent retreat.

No one has ever said any thing to cheer them but myself. Say nothing about me. Merely give my men and officers credit for what they have done. It will do you much good, and will strengthen you much with them if you issue a handsome order to them in regard to what they have accomplished. They deserve it.

G. B. McCLELLAN,
Major-General.
Major-General HALLECK, Washington, D. C.

As no reply was received to this communication, and no order was issued by the General-in-

Chief, I conclude that suggestion did not meet with his approbation.

All the *personnel* and material of the army had been transferred from Harrison's Landing to the different points of embarkation in the very brief period of five days without the slightest loss or damage. Porter's troops sailed from Newport News on the nineteenth and twentieth. Heintzelman's corps sailed from Yorktown on the twenty-first. On that day I received the following telegram from the General-in-Chief:

WASHINGTON, August 21, 1862—6 P.M.

Leave such garrisons in Fortress Monroe, Yorktown, etc., as you may deem proper. They will be replaced by new troops as rapidly as possible.

The forces of Burnside and Pope are hard pushed, and require aid as rapidly as you can send it. Come yourself as soon as you can.

By all means see that the troops sent have plenty of ammunition. We have no time here to supply them. Moreover, they may have to fight as soon as they land.

H. W. HALLECK,

Major-General Commanding United States Army.
General McCLELLAN.

To which the following are replies:

HEADQUARTERS ARMY OF THE POTOMAC,
FORT MONROE, August 21, 1862—7.30 P.M.

Your despatch of (6) six P.M. received. I have not lost an hour in sending troops, nor will I. Franklin is here, and I will try to get some of his troops on board to-night. I had already ordered all the ammunition forward.

I will put headquarters on board ship early to-morrow morning, so that I can leave at a moment's notice. I hope that I can get off to-morrow. Shall I go in person to Acquia, or do you wish to see me first at Washington? If you wish it I can probably ship quite an amount of ammunition for other troops than this army.

G. B. McCLELLAN,

Major-General.

Major-General HALLECK, Washington, D. C.

HEADQUARTERS ARMY OF THE POTOMAC,
FORT MONROE, August 21, 1862—10.35 P.M.

I have ample supplies of ammunition for infantry and artillery, and will have it up in time. I can supply any deficiency that may exist in General Pope's army. Quite a number of rifled field-guns are on hand here.

The forage is the only question for you to attend to; please have that ready for me at Acquia. I want many more schooners for cavalry horses; they should have water on hand when they come here.

If you have leisure, and there is no objection, please communicate to me fully the state of affairs, and your plans. I will then be enabled to arrange details understandingly.

G. B. McCLELLAN,

Major-General.

Major-General HALLECK, Washington.

Immediately on reaching Fort Monroe, I gave directions for strengthening the defences of York-

town, to resist any attack from the direction of Richmond, and left General Keyes, with his corps, to perform the work, and temporarily garrison the place.

I telegraphed as follows on the twenty-second:

HEADQUARTERS ARMY OF THE POTOMAC,
FORT MONROE, August 22, 1862—9.15 P.M.

Despatch of to-day received. Franklin's corps is embarking as rapidly as possible. Sumner's corps is at Newport News, ready to embark as fast as transportation arrives. Keyes is still at Yorktown, putting it in a proper state of defence. I think that all of Franklin's corps will get off to-day, and hope to commence with Sumner to-morrow. I shall then push off the cavalry and wagons.

G. B. McCLELLAN,

Major-General.

Major-Gen. H. W. HALLECK, Washington, D. C.

HEADQUARTERS ARMY OF THE POTOMAC,
FORT MONROE, August 22, 1862—9.40 P.M.

Two (2) good ordnance sergeants are needed immediately at Yorktown and Gloucester. The new defences are arranged and commenced.

I recommend that (5000) five thousand new troops be sent immediately to garrison York and Gloucester. They should be commanded by an experienced general officer, who can discipline and instruct them. About (900) nine hundred should be artillery. I recommend that a new regiment, whose colonel is an artillery officer, or graduate, be designated as heavy artillery, and sent there. A similar regiment is absolutely necessary here.

G. B. McCLELLAN,

Major-General.

Major-General H. W. HALLECK,
Commanding United States Army.

On the twenty-third Franklin's corps sailed. I reported this in the following despatch:

HEADQUARTERS ARMY OF THE POTOMAC,
FORT MONROE, August 23, 1862—1.30 P.M.

Franklin's corps has started. I shall start for Acquia in about half an hour. No transports yet for Sumner's corps.

G. B. McCLELLAN,

Major-General.

Major-General H. W. HALLECK,
Commanding United States Army.

On that evening I sailed with my staff for Acquia Creek, where I arrived at daylight on the following morning, reporting as follows:

HEADQUARTERS ARMY OF THE POTOMAC,
ACQUIA CREEK, August 24, 1862.

I have reached here, and respectfully report for orders.

G. B. McCLELLAN,

Major-General.

Major-General HALLECK,
Commanding United States Army.

I also telegraphed as follows:

HEADQUARTERS ARMY OF THE POTOMAC,
ACQUIA CREEK, August 24, 1862—3 P.M.

Your telegram received. Morell's scouts report Rappahannock Station burned and abandoned by Pope, without any notice to Morell or Sykes. This was telegraphed you some hours ago. Reynolda, Reno, and Stevens are suppos-

ed to be with Pope, as nothing can be heard of them to-day. Morell and Sykes are near Morrisville Post-Office, watching the lower fords of Rappahannock, with no troops between there and Rappahannock Station, which is reported abandoned by Pope.

Please inform me immediately exactly where Pope is, and what doing; until I know that, I cannot regulate Porter's movements; he is much exposed now, and decided measures should be taken at once. Until I know what my command and position are to be, and whether you still intend to place me in the command indicated in your first letter to me, and orally through General Burnside, at the Chickahominy, I cannot decide where I can be of most use. If your determination is unchanged, I ought to go to Alexandria at once. Please define my position and duties.

G. B. McCLELLAN,
Major-General.

Major-General H. W. HALLECK,
Commanding United States Army.

To which I received the following reply:

WASHINGTON, August 24, 1862.

You ask me for information which I cannot give. I do not know either where General Pope is, or where the enemy in force is. These are matters which I have all day been most anxious to ascertain.

H. W. HALLECK,
General-in-Chief.

Major-General McCLELLAN.

On the twenty-sixth I received the following:

WASHINGTON, August 26, 1862—11 A.M.

There is reason to believe that the enemy is moving a large force into the Shenandoah Valley. Reconnoissances will soon determine. General Heintzelman's corps was ordered to report to General Pope, and Kearny's will probably be sent to-day against the enemy's flank. Don't draw any troops down the Rappahannock at present; we shall probably want them all in the direction of the Shenandoah. Perhaps you had better leave General Burnside in charge at Acquia Creek, and come to Alexandria, as very great irregularities are reported there. General Franklin's corps will march as soon as it receives transports.

H. W. HALLECK,
Commander-in-Chief.

Major-General G. B. McCLELLAN.

On receipt of this I immediately sailed for Alexandria, and reported as follows:

ALEXANDRIA, August 27, 1862—8 A.M.

I arrived here last night, and have taken measures to ascertain the state of affairs here, and that proper remedies may be applied. Just received a rumor that railway bridge over Bull Run was burned last night.

G. B. McCLELLAN,
Major-General.

Major-General H. W. HALLECK,
Commanding United States Army.

ALEXANDRIA, August 27, 1862—9.40 A.M.

The town is quiet, although quite full of soldiers, who are said to be chiefly convalescents.

The affairs of the quartermaster's department are reported as going on well.

It is said that the Bull's Run bridge will be repaired by to-morrow. The disembarkation of Sumner's corps commenced at Acquia yesterday afternoon. I found that he could reach Rappahannock Station earlier that way than from here.

G. B. McCLELLAN,
Major-General.

Major-General H. W. HALLECK,
Commanding United States Army.

On the same day I received the following:

WASHINGTON, August 27, 1862.

Telegrams from General Porter to General Burnside, just received, say that Banks is at Fayetteville; McDowell, Sigel, and Ricketts near Warrenton; Reno on his right. Porter is marching on Warrenton Junction, to reinforce Pope. Nothing said of Heintzelman. Porter reports a general battle imminent. Franklin's corps should move out by forced marches, carrying three or four days' provisions, and to be supplied, as far as possible, by railroad. Perhaps you may prefer some other road than to Centreville. Colonel Haupt has just telegraphed about sending out troops. Please see him, and give him your directions. There has been some serious neglect to guard the railroad, which should be immediately remedied.

H. W. HALLECK,
General-in-Chief.

Major-General McCLELLAN.

I replied as follows:

ALEXANDRIA, August 27, 1862—10 A.M.

Telegram this moment received. I have sent orders to Franklin to prepare to march with his corps at once, and to repair here in person to inform me as to his means of transportation.

Kearny was yesterday at Rappahannock Station; Porter at Bealton, Kellip, Barnettts, etc. Sumner will commence reaching Falmouth to-day. Williams's Massachusetts cavalry will be mostly at Falmouth to-day.

I loaned Burnside my personal escort (one squadron Fourth regulars) to scout down Rappahannock.

I have sent for Couch's division to come at once. As fast as I gain any information I will forward it, although you may already have it.

G. B. McCLELLAN,
Major-General.

Major-Gen. H. W. HALLECK, Washington, D. C.

I also received the following telegrams:

WASHINGTON, August 27, 1862.

Direct General Casey to furnish you about five thousand of the new troops under his command. Take entire direction of the sending out of the troops from Alexandria.

Determine questions of priority in transportation, and the places they shall occupy. Pope's headquarters are near Warrenton Junction, but I cannot ascertain the present position of his troops.

H. W. HALLECK,
General-in-Chief.

Major-General McCLELLAN.

WASHINGTON, August 27, 1862.

I can get no satisfactory information from the front, either of the enemy or of our troops. There seems to have been great neglect and carelessness about Manassas. Franklin's corps should march in that direction as soon as possible. A competent officer should be sent out to take direction of affairs in that vicinity.

H. W. HALLECK,
General-in-Chief.

Major-General McCLELLAN.

Upon the receipt of these I immediately sent the following telegram to Generals Heintzelman and Porter:

ALEXANDRIA, August 27, 1862—10.30 A.M.

Where are you, and what is state of affairs—what troops in your front, right, and left? Sumner is now landing at Acquia. Where is Pope's left, and what of enemy? Enemy burned Bull Run bridge last night with cavalry force.

G. B. McCLELLAN,
Major-General.

Major-General HEINTZELMAN, Warrenton.

Major-General PORTER, Bealton.

P. S.—If these General Officers are not at the places named, nearest operator will please have message forwarded.

I also telegraphed to the General-in-Chief as follows:

ALEXANDRIA, August 27, 1862—10.50 A.M.

I have sent all the information I possess to Burnside, instructing him to look out well for his right flank, between the Rappahannock and Potomac, and to send no trains to Porter without an escort. I fear the cavalry who dashed at Bull Run last night may trouble Burnside a little. I have sent to communicate with Porter and Heintzelman, *via* Falmouth, and hope to give you some definite information in a few hours. I shall land the next cavalry I get hold of here, and send it out to keep open the communication between Pope and Porter, also to watch vicinity of Manassas. Please send me a number of copies of the best maps of present field of operations. I can use fifty (50) to advantage.

G. B. McCLELLAN,
Major-General.

Major-General HALLECK,
Commanding United States Army.

ALEXANDRIA, August 27, 1862—12.50 A.M.

In view of Burnside's despatch, just received, would it not be advisable to throw the mass of Sumner's corps here, to move out with Franklin to Centreville or vicinity? If a decisive battle is fought at Warrenton, a disaster would leave any troops on Lower Rappahannock in a dangerous position.

They would do better service in front of Washington.

G. B. McCLELLAN,
Major-General.

Major-General HALLECK, Washington, D. C.

ALEXANDRIA, August 27, 1862—12.5 P.M.

My aid has just returned from General Franklin's camp; reports that Generals Franklin, Smith, and Slocum are all in Washington. He

gave the order to the next in rank to place the corps in readiness to move at once. I learn that heavy firing has been heard this morning at Centreville, and have sent to ascertain the truth. I can find no cavalry to send out on the roads. Are the works garrisoned and ready for defence?

G. B. McCLELLAN,
Major-General.

Major-General HALLECK, Washington.

ALEXANDRIA, August 27, 1862—12.30 P.M.

What bridges exist over Bull Run? Have steps been taken to construct bridges for the advance of troops to reinforce Pope, or to enable him to retreat if in trouble?

There should be two gunboats at Acquia Creek at once. Shall I push the rest of Sumner's corps here, or is Pope so strong as to be reasonably certain of success? I have sent to inspect the works near here and their garrisons.

As soon as I can find General Casey, or some other commanding officer, I will see to the railway, etc. It would be well to have them report to me, as I do not know where they are. I am trying to find them, and will lose no time in carrying out your orders. Would like to see Burnside.

G. B. McCLELLAN,
Major-General.

Major-General H. W. HALLECK, Washington.

ALEXANDRIA, August 27, 1862—1.15 P.M.

Franklin's artillery have no horses, except for (4) four guns without caissons. I can pick up no cavalry. In view of these facts, will it not be well to push Sumner's corps here by water as rapidly as possible, to make immediate arrangements for placing the works in front of Washington in an efficient condition of defence? I have no means of knowing the enemy's force between Pope and ourselves.

Can Franklin, without his artillery or cavalry, effect any useful purpose in front?

Should not Burnside take steps at once to evacuate Falmouth and Acquia, at the same time covering the retreat of any of Pope's troops who may fall back in that direction?

I do not see that we have force enough in hand to form a connection with Pope, whose exact position we do not know. Are we safe in the direction of the valley?

G. B. McCLELLAN,
Major-General.

Major-General HALLECK, Washington.

ALEXANDRIA, August 27, 1862—1.55 P.M.

I learn that Taylor's brigade, sent this morning to Bull Run Bridge, is either cut to pieces or captured.

That the force against them had many guns, and about (5000) five thousand infantry, receiving reinforcements every minute; also, that Gainesville is in possession of the enemy. Please send some cavalry out toward Drainsville, *via* Chain Bridge, to watch Lewinsville and Drainsville, and go as far as they can. If you will give me even one squadron of good cavalry here, I will ascertain the state of the case. I think our policy now is to make these works perfectly safe,

and mobilize a couple of corps as soon as possible, but not to advance them until they can have their artillery and cavalry. I have sent for Colonel Tyler to place his artillerymen in the works. Is Fort Marcy securely held?

General HALLECK.

G. B. McCLELLAN,
Major-General.

ALEXANDRIA, August 27, 1862—2.30 P.M.

Sumner has been ordered to send here all of his corps that are within reach. Orders have been sent to Couch to come here from Yorktown with the least possible delay. But one squadron of my cavalry has arrived; that will be disembarked at once and sent to the front.

If there is any cavalry in Washington, it should be ordered to report to me at once.

I still think that we should first provide for the immediate defence of Washington on both sides of the Potomac.

I am not responsible for the past, and cannot be for the future, unless I receive authority to dispose of the available troops according to my judgment. Please inform me at once what my position is. I do not wish to act in the dark.

G. B. McCLELLAN,
Major-General.

Major-General H. W. HALLECK,
Commanding United States Army.

ALEXANDRIA, August 27, 1862—6 P.M.

I have just received the copy of a despatch from General Pope to you, dated ten A.M. this morning, in which he says: 'All forces now sent forward should be sent to my right at Gainesville.'

I now have at my disposal here about (10,000) ten thousand men of Franklin's corps, about (2800) two thousand eight hundred of General Tyler's brigade, and Colonel Tyler's First Connecticut artillery, which I recommend should be held in hand for defence of Washington.

If you wish me to order any part of this force to the front, it is in readiness to march at a moment's notice to any point you may indicate.

In view of the existing state of things in our front, I have deemed it best to order General Casey to hold his men for Yorktown in readiness to move, but not to send them off until further orders.

G. B. McCLELLAN,
Major-General.

Major-General H. W. HALLECK,
Commanding United States Army.

On the twenty-eighth I telegraphed as follows:

HEADQUARTERS CAMP NEAR ALEXANDRIA, }
August 28, 1862—4.10 P.M. }

General Franklin is with me here. I will know in a few minutes the condition of artillery and cavalry.

We are not yet in condition to move; may be by to-morrow morning.

Pope must cut through to-day, or adopt the plan I suggested. I have ordered troops to garrison the works at Upton's Hill. They must be held at any cost. As soon as I can see the way to spare them, I will send a corps of good troops

there. It is the key to Washington, which cannot be seriously menaced as long as it is held.

G. B. McCLELLAN,
Major-General.

Major-General HALLECK, Washington, D. C.

I received the following from the General-in-Chief:

WASHINGTON, August 28, 1862.

I think you had better place Sumner's corps as it arrives near the guns, and particularly at the Chain Bridge.

The principal thing to be feared now is a cavalry raid into this city, especially in the night-time.

Use Cox's and Tyler's brigade, and the new troops for the same object, if you need them.

Porter writes to Burnside from Bristow, half-past nine A.M. yesterday, that Pope's forces were then moving on Manassas, and that Burnside would soon hear of them by way of Alexandria.

General Collum has gone to Harper's Ferry, and I have only a single regular officer for duty in the office.

Please send some of your officers to-day to see that every precaution is taken at the forts against a raid; also at the bridge. Please answer.

H. W. HALLECK,
General-in-Chief.

Major-General McCLELLAN.

On the twenty-ninth the following despatch was telegraphed:

CAMP NEAR ALEXANDRIA, }
August 29, 1862—10.30 A.M. }

Franklin's corps is in motion; started about (6) six A.M. I can give him but two squadrons of cavalry. I propose moving General Cox to Upton's Hill, to hold that important point with its works, and to push cavalry scouts to Vienna, via Freedom Hill and Hunter's Lane. Cox has (2) two squadrons of cavalry. Please answer at once whether this meets your approval. I have directed Woodbury, with the engineer brigade, to hold Fort Lyon. Sumner detached, last night, two regiments to vicinity of Forts Ethan Allen and Marcy. Meagher's brigade is still at Aquia. If he moves in support of Franklin, it leaves us without any reliable troops in and near Washington. Yet Franklin is too weak alone. What shall be done? No more cavalry arrived; have but (3) three squadrons. Franklin has but (40) forty rounds of ammunition, and no wagons to move more. I do not think Franklin is in condition to accomplish much if he meets with serious resistance. I should not have moved him but for your pressing order of last night. What have you from Vienna and Drainsville?

G. B. McCLELLAN,
Major-General.

Major-General HALLECK, Washington, D. C.

To which the following is a reply:

WASHINGTON, August 29, 1862—12 M.

Upton's Hill arrangement all right. We must send wagons and ammunition to Franklin as fast as they arrive.

Meagher's brigade ordered up yesterday. Fits-

Hugh Lee was, it is said on good authority, in Alexandria on Sunday last for three hours. I have nothing from Drainsville.

H. W. HALLECK,
General-in-Chief.
Major-General McCLELLAN.

On the same day the following was received from His Excellency, the President:

WASHINGTON, August 29, 1862—2.30 P.M.

What news from direction of Manassas Junction? What generally? A. LINCOLN.

Major-General McCLELLAN.

To which I replied as follows:

CAMP NEAR ALEXANDRIA,
August 29, 1862—2.45 P.M. }

The last news I received from the direction of Manassas was from stragglers, to the effect that the enemy were evacuating Centreville and retreating toward Thoroughfare Gap. This by no means reliable.

I am clear that one of two courses should be adopted: First, to concentrate all our available forces to open communications with Pope; second, to leave Pope to get out of his scrape, and at once use all our means to make the capital perfectly safe.

No middle ground will now answer. Tell me what you wish me to do, and I will do all in my power to accomplish it. I wish to know what my orders and authority are. I ask for nothing, but will obey whatever orders you give. I only ask a prompt decision that I may at once give the necessary orders. It will not do to delay longer.

G. B. McCLELLAN,
Major-General.
A. LINCOLN,
President.

And copy to General Halleck.

To which the following is a reply:

WASHINGTON, August 29, 1862—4.10 P.M.

Yours of to-day just received. I think your first alternative, to wit, "to concentrate all our available forces to open communication with Pope" is the right one, but I wish not to control. That I now leave to General Halleck, aided by your counsels.

A. LINCOLN.
Major-General McCLELLAN.

It had been officially reported to me from Washington that the enemy, in strong force, was moving through Vienna in the direction of the Chain Bridge, and had a large force in Vienna. This report, in connection with the despatch of the General-in-Chief on the twenty-eighth, before noted, induced me to direct Franklin to halt his command near Anandale until it could be determined, by reconnoissances to Vienna and toward Manassas, whether these reports were true. General Cox was ordered to send his small cavalry force from Upton's Hill toward Vienna and Drainsville in one direction, and toward Fairfax Court-House in the other, and Franklin to push his two squadrons as far toward Manassas as possible, in order to ascertain the true position of the enemy.

With the enemy in force at Vienna, and toward Lewinsville, it would have been very injudicious to have pushed Franklin's small force beyond Anandale. It must be remembered that at that time we were cut off from direct communication with General Pope; that the enemy was, by the last accounts, at Manassas in strong force, and that Franklin had only from ten thousand to eleven thousand men, with an entirely insufficient force of cavalry and artillery.

In order to represent this condition of affairs in its proper light to the General-in-Chief, and to obtain definite instructions from him, I telegraphed as follows:

CAMP NEAR MANASSAS,
August 29, 1862—12 M. }

Have ordered most of the (12th) Twelfth Pennsylvania cavalry to report to General Barnard for scouting duty toward Rockville, Poolsville, etc.

If you apprehended a raid of cavalry on your side of river, I had better send a brigade or two of Sumner's to near Tenallytown, where, with two or three old regiments in Forts Allen and Marcy, they can watch both Chain Bridge and Tenallytown.

Would it meet your views to post the rest of Sumner's corps between Arlington and Fort Corcoran, whence they can either support Cox, Franklin, or Chain Bridge, and even Tenallytown?

Franklin has only between (10,000) ten thousand and (11,000) eleven thousand for duty.

How far do you wish this force to advance?

G. B. McCLELLAN,
Major-General.

Major-General HALLECK, Washington.

CAMP NEAR ALEXANDRIA,
August 29, 1862—1 P.M. }

I anxiously await reply to my last despatch in regard to Sumner. Wish to give the order at once.

Please authorize me to attach new regiments permanently to my old brigades. I can do much good to old and new troops in that way. I shall endeavor to hold a line in advance of Forts Allen and Marcy, at least with strong advanced-guards. I wish to hold the line through Prospect Hill, Mackall's, Minor's, and Hall's Hill. This will give us timely warning. Shall I do as seems best to me with all the troops in this vicinity, including Franklin, who I really think ought not, under present circumstances, to advance beyond Anandale?

G. B. McCLELLAN,
Major-General.

General HALLECK.

On the same day I received a despatch from the General-in-Chief, in which he asks me why I halted Franklin in Anandale, to which I replied as follows:

CAMP NEAR ALEXANDRIA,
August 29, 1862—10.30 A.M. }

By referring to my telegrams of half-past ten A.M., twelve M., and one P.M., together with your reply of forty-eight minutes past two P.M., you will see why Franklin's corps halted at Anandale. His small cavalry force, all I had to give him, was ordered to push on as far as possible toward Manassas.

It was not safe for Franklin to move beyond Anandale, under the circumstances, until we knew what was at Vienna.

General Franklin remained here until about one P.M., endeavoring to arrange for supplies for his command. I am responsible for both these circumstances, and do not see that either was in disobedience to your orders.

Please give distinct orders in reference to Franklin's movements of to-morrow. I have sent to Colonel Haupt to push out construction and supply-trains as soon as possible.

General Tyler to furnish the necessary guards.

I have directed General Banks's supply-trains to start out to-night at least as far as Anandale, with an escort from General Tyler.

In regard to to-morrow's movements I desire definite instructions, as it is not agreeable to me to be accused of disobeying orders, when I have simply exercised the discretion you committed to me.

G. B. McCLELLAN,
Major-General.

Major-General HALLECK, Washington, D. C.

On the same evening I sent the following despatches:

CAMP NEAR ALEXANDRIA,
August 30, 1862—10 P.M. }

Not hearing from you, I have sent orders to General Franklin to place himself in communication with General Pope as soon as possible, and at the same time cover the transit of Pope's supplies.

Orders have been given for railway and wagon-trains to move to Pope with least possible delay.

I am having inspections made of all the forts around the city by members of my staff, with instructions to give all requisite orders.

I inspected Worth and Ward myself this evening; found them in good order.

Reports, so far as heard from, are favorable as to condition of works.

G. B. McCLELLAN,
Major-General.

Major-General HALLECK, Washington.

CAMP NEAR ALEXANDRIA,
August 30, 1862—10 P.M. }

Your despatch received. Franklin's corps has been ordered to march at six o'clock to-morrow morning. Sumner has about fourteen thousand infantry, without cavalry or artillery, here. Cox's brigade of four regiments is here, with two batteries of artillery. Men of two regiments, much fatigued, came in to-day. Tyler's brigade of three new regiments, but little drilled, is also here; all these troops will be ordered to hold themselves ready to march to-morrow morning, and all except Franklin's to await further orders.

If you wish any of them to move toward Manassas, please inform me.

Colonel Wagner, Second New-York artillery, has just come in from the front. He reports strong infantry and cavalry force of rebels near Fairfax Court-House. Reports rumors from various sources that Lee and Stuart, with large forces, are at Manassas.

That the enemy, with one hundred and twenty thousand men, intend advancing on the forts near Arlington and Chain Bridge, with a view of attacking Washington and Baltimore.

General Barnard telegraphs me to-night that the length of the line of fortifications on this side of the Potomac requires two thousand additional artillery men, and additional troops to defend intervals, according to circumstances; at all events, he says an old regiment should be added to the force at Chain Bridge, and a few regiments distributed along the lines to give confidence to our new troops. I agree with him fully, and think our fortifications along the upper part of our line on this side the river very unsafe with their present garrisons, and the movements of the enemy seem to indicate an attack upon those works.

G. B. McCLELLAN,
Major-General.

General H. W. HALLECK,
General-in-Chief United States Army, Washington, D. C.

CAMP NEAR ALEXANDRIA,
August 30, 1862—11.30 A.M. }

Your telegram of nine A.M. received. Ever since General Franklin received notice that he was to march from Alexandria, he has been endeavoring to get transportation from the quartermaster at Alexandria, but he has uniformly been told that there was none disposable, and his command marched without wagons. After the departure of his corps, he procured twenty wagons to carry some extra ammunition, by unloading Banks's supply train.

General Sumner endeavored, by application upon the Quartermaster's department, to get wagons to carry his reserve ammunition, but without success, and was obliged to march with what he could carry in his cartridge-boxes.

I have this morning directed that all my head-quarter wagons that are landed be at once loaded with ammunition for Sumner and Franklin; but they will not go far toward supplying the deficiency.

Eighty-five wagons were got together by the quartermasters last night, loaded with subsistence, and sent forward at one A.M. with an escort via Anandale. Every effort has been made to carry out your orders promptly. The great difficulty seems to consist in the fact that the greater part of the transportation on hand at Alexandria and Washington has been needed for current supplies of the garrisons. Such is the state of the case as represented to me by the quartermasters, and it appears to be true.

I take it for granted that this has not been properly explained to you.

G. B. McCLELLAN,
Major-General HALLECK,
General-in-Chief.

On the morning of the thirtieth heavy artillery firing was heard in the direction of Fairfax Court-House, which I reported to the General-in-Chief.

At eleven A.M. the following telegram was sent:

CAMP NEAR ALEXANDRIA,
August 30, 1862—11 A.M. }

Have ordered Sumner to leave (1) one brigade in vicinity of Chain Bridge, and to move the rest *via* Columbia pike on Anandale and Fairfax Court-House.

Is this the route you wish them to take? He and Franklin are both instructed to join Pope as promptly as possible.

Shall Couch move out also when he arrives?

G. B. McCLELLAN,
Major-General.

Major-General HALLECK, Washington.

On the same day I received the following:

WASHINGTON, August 30, 1862—1.45 P.M.

Ammunition, and particularly for artillery, must be immediately sent forward to Centreville for General Pope. It must be done with all possible despatch.

H. W. HALLECK,
General-in-Chief.

General McCLELLAN.

To which this reply was made:

CAMP NEAR ALEXANDRIA,
August 30, 1862—2.10 P.M. }

I know nothing of the calibres of Pope's artillery. All I can do is to direct my ordnance officer to load up all the wagons sent to him. I have already sent all my headquarters wagons. You will have to see that wagons are sent from Washington. I can do nothing more than give the order that every available wagon in Alexandria shall be loaded at once.

The order to the brigade of Sumner that I directed to remain near Chain Bridge and Tenallytown should go from your headquarters to save time. I understand you to intend it also to move. I have no sharpshooters except the guard around my camp. I have sent off every man but those, and will now send them with the train as you direct. I will also send my only remaining squadron of cavalry with General Sumner. I can do no more. You now have every man of the army of the Potomac who is within my reach.

G. B. McCLELLAN,
Major-General.

Major-General H. W. HALLECK.

At half-past ten P.M. the following telegram was sent:

CAMP NEAR ALEXANDRIA,
August 30, 1862—10.30 P.M. }

I have sent to the front all my troops with the exception of Couch's division, and have given the orders necessary to insure its being disposed of as you directed. I hourly expect the return of one of my aids, who will give authentic news from the field of battle.

I cannot express to you the pain and mortification I have experienced to-day in listening to the distant sound of the firing of my men. As I can be of no further use here, I respectfully ask that, if there is a probability of the conflict being renewed to-morrow, I may be permitted to go to the scene of battle with my staff, merely to be with my own men, if nothing more; they will fight none the worse for my being with them.

If it is not deemed best to intrust me with the command even of my own army, I simply ask to be permitted to share their fate on the field of battle.

Please reply to this to-night.

I have been engaged for the last few hours in doing what I can to make arrangements for the wounded. I have started out all the ambulances now landed. As I have sent my escort to the front, I would be glad to take some of Gregg's cavalry with me, if allowed to go.

G. B. McCLELLAN,
Major-General.

Major-General H. W. HALLECK,
Commanding United States Army, Washington, D. C.

To which, on the following day, I received this answer:

WASHINGTON, August 31, 1862—9.18 A.M.

I have just seen your telegram of five minutes past eleven last night. The substance was stated to me when received, but I did not know that you asked for a reply immediately. I cannot answer without seeing the President, as General Pope is in command, by his orders, of the department.

I think Couch's division should go forward as rapidly as possible and find the battle-field.

H. W. HALLECK,
General-in-Chief.

Major-General McCLELLAN.

On the same day the following was received:

WASHINGTON, August 31, 1862—12.45 P.M.

The subsistence department are making Fairfax Station their principal depot. It should be well guarded. The officer in charge should be directed to secure the depot by abatis against cavalry. As many as possible of the new regiments should be prepared to take the field. Perhaps some more should be sent to the vicinity of Chain Bridge.

H. W. HALLECK,
General-in-Chief.

Major-General McCLELLAN.

At half-past two P.M. the following despatch was telegraphed:

CAMP NEAR ALEXANDRIA,
August 31, 1862—2.30 P.M. }

Major Haller is at Fairfax Station with my provost and headquarters guard and other troops. I have requested (4) four more companies to be sent at once, and the precautions you direct to be taken.

Under the War Department order of yesterday I have no control over any thing except my staff, some one hundred men in my camp here, and the few remaining near Fort Monroe. I have no control over the new regiments—do not know where they are, or any thing about them, except those near here. Their commanding officers and those of the works are not under me.

Where I have seen evils existing under my eye I have corrected them. I think it is the business of General Casey to prepare the new regiments for the field, and a matter between him and General Barnard to order others to the vicinity of

Chain Bridge. Neither of them is under my command, and by the War Department order I have no right to give them orders.

G. B. McCLELLAN,
Major-General.

General HALLECK, Washington.

To which the following is an answer:

WASHINGTON, August 31, 1862—10.7 P.M.

Since receiving your despatch, relating to command, I have not been able to answer any not of absolute necessity. I have not seen the order as published, but will write to you in the morning. You will retain the command of every thing in this vicinity not temporarily belonging to Pope's army in the field.

I beg of you to assist me in this crisis with your ability and experience. I am entirely tired out.

H. W. HALLECK,
General-in-Chief.

General McCLELLAN.

The order referred to in the preceding despatch was as follows:

WAR DEPARTMENT, August 30, 1862.

The following are the commanders of the armies operating in Virginia;

General Burnside commands his own corps, except those that have been temporarily detached and assigned to General Pope.

General McClellan commands that portion of the army of the Potomac that has not been sent forward to General Pope's command.

General Pope commands the army of Virginia and all the forces temporarily attached to it. All the forces are under the command of Major-General Halleck, General-in-Chief.

E. D. TOWNSEND,
Assistant Adjutant-General.

I was informed by Colonel Townsend that the above was published by order of the Secretary of War.

At half-past eleven P.M. I telegraphed the following:

CAMP NEAR ALEXANDRIA,
August 31, 1862—11.30 P.M. }

The squadron of Second regular cavalry that I sent with General Sumner was captured to-day about two P.M. some three miles from Fairfax Court-House, beyond it on the little River pike, by Fitz-Hugh Lee, with three thousand cavalry and three light batteries.

I have conversed with the first sergeant, who says that when he last saw them they were within a mile of Fairfax. Pope had no troops on that road; this squadron getting there by mistake. There is nothing of ours on the right of Centreville but Sumner's corps. There was much artillery firing during the day. A rebel major told the sergeant that the rebels had driven in our entire left to-day. He says the road is filled with wagons and stragglers coming toward Alexandria.

It is clear from the sergeant's account that we were badly beaten yesterday, and that Pope's right is entirely exposed.

I recommend that no more of Couch's division

be sent to the front, that Burnside be brought here as soon as practicable, and that every thing available this side of Fairfax be drawn in at once, including the mass of the troops on the railroad. I apprehend that the enemy will, or have by this time occupied Fairfax Court-House and cut off Pope entirely, unless he falls back to-night via Sangster's and Fairfax Station.

I think these orders should be sent at once. I have no confidence in the dispositions made as I gather them. To speak frankly—and the occasion requires it—there appears to be a total absence of brains, and I fear the total destruction of the army. I have some cavalry here that can carry out any orders you may have to send. The occasion is grave, and demands grave measures. The question is, the salvation of the country. I learn that our loss yesterday amounted to fifteen thousand. We cannot afford such losses without an object.

It is my deliberate opinion that the interests of the nation demand that Pope should fall back to-night if possible, and not one moment is to be lost.

I will use all the cavalry I have to watch our right. Please answer at once. I feel confident that you can rely upon the information I give you. I shall be up all night, and ready to obey any orders you give me.

G. B. McCLELLAN,
Major-General.

General HALLECK, Washington.

To which this reply was received:

WASHINGTON, September 1, 1862—1.30 A.M.

Burnside was ordered up very early yesterday morning. Retain remainder of Couch's forces, and make arrangements to stop all retreating troops in line of works or where you can best establish an entire line of defence. My news from Pope was up to four P.M.; he was then all right. I must wait for more definite information before I can order a retreat, as the falling back on the line of works must necessarily be directed in case of a serious disaster. Give me all additional news that is reliable.

I shall be up all night, and ready to act as circumstances may require. I am fully aware of the gravity of the crisis, and have been for weeks.

H. W. HALLECK,
General-in-Chief.

Major-General McCLELLAN.

FOURTH PERIOD.

On the first of September I went into Washington, where I had an interview with the General-in-Chief, who instructed me, verbally, to take command of its defences, expressly limiting my jurisdiction to the works and their garrisons, and prohibiting me from exercising any control over the troops actively engaged in front under General Pope. During this interview I suggested to the General-in-Chief the necessity of his going in person, or sending one of his personal staff, to the army under General Pope, for the purpose of ascertaining the exact condition of af

fairs; he sent Colonel Kelton, his Assistant Adjutant-General.

During the afternoon of the same day I received a message from the General-in-Chief, to the effect that he desired me to go at once to his house to see the President.

The President informed me that he had reason to believe that the army of the Potomac was not cheerfully coöperating with and supporting General Pope; that he had "always been a friend of mine;" and now asked me, as a special favor, to use my influence in correcting this state of things. I replied, substantially, that I was confident that he was misinformed; that I was sure, whatever estimate the army of the Potomac might entertain of General Pope, that they would obey his orders, support him to the fullest extent, and do their whole duty. The President, who was much moved, asked me to telegraph to "Fitz-John Porter, or some other of my friends," and try to do away with any feeling that might exist; adding, that I could rectify the evil, and that no one else could.

I thereupon told him that I would cheerfully telegraph to General Porter, or do any thing else in my power to gratify his wishes and relieve his anxiety; upon which he thanked me very warmly, assured me that he could never forget my action in the matter, etc., and left.

I then wrote the following telegram to General Porter, which was sent to him by the General-in-Chief:

WASHINGTON, September 1, 1862.

I ask of you, for my sake, that of the country, and the old army of the Potomac, that you and all my friends will lend the fullest and most cordial coöperation to General Pope, in all the operations now going on. The destinies of our country, the honor of our arms, are at stake, and all depends now upon the cheerful coöperation of all in the field. This week is the crisis of our fate. Say the same thing to my friends in the army of the Potomac, and that the last request I have to make of them is, that, for their country's sake, they will extend to General Pope the same support they ever have to me.

I am in charge of the defences of Washington, and am doing all I can to render your retreat safe, should that become necessary.

GEO. B. McCLELLAN.

Major-General PORTER.

To which he sent the following reply:

FAIRFAX COURT-HOUSE, 10 A.M.,
September 2, 1862.

You may rest assured that all your friends, as well as every lover of his country, will ever give, as they have given, to General Pope their cordial coöperation and constant support in the execution of all orders and plans. Our killed, wounded, and enfeebled troops attest our devoted duty.

F. J. PORTER.

General GEORGE B. McCLELLAN,
Major-General Commanding, Washington.

Neither at the time I wrote the telegram, nor at any other time, did I think for one moment

that General Porter had been, or would be, in any manner derelict in the performance of his duty to the nation and its cause. Such an impression never entered my mind. The despatch in question was written purely at the request of the President.

On the morning of the second the President and General Halleck came to my house, when the President informed me that Colonel Kelton had returned from the front; that our affairs were in a bad condition; that the army was in full retreat upon the defences of Washington; the roads filled with stragglers, etc. He instructed me to take steps at once to stop and collect the stragglers; to place the works in a proper state of defence, and to go out to meet and take command of the army, when it approached the vicinity of the works, then to place the troops in the best position—committing every thing to my hands.

I immediately took steps to carry out these orders, and sent an aid to General Pope with the following letter:

HEADQUARTERS, WASHINGTON,
September 2, 1862.

GENERAL: General Halleck instructed me to report to you the order he sent this morning to withdraw your army to Washington, without unnecessary delay. He feared that his messenger might miss you, and desired to take this double precaution.

In order to bring troops upon ground with which they are already familiar, it would be best to move Porter's corps upon Upton's Hill, that it may occupy Hall's Hill, etc.; McDowell's, to Upton's Hill; Franklin's, to the works in front of Alexandria; Heintzelman's, to the same vicinity; Couch, to Fort Corcoran, or, if practicable, to the Chain Bridge; Sumner, either to Fort Albany or to Alexandria, as may be most convenient.

In haste, General, very truly yours,

GEO. B. McCLELLAN,

Major-General United States Army.

Major-General JOHN POPE,

Commanding Army of Virginia.

In the afternoon I crossed the Potomac and rode to the front, and at Upton's Hill met the advance of McDowell's corps, and with it Generals Pope and McDowell. After getting what information I could from them, I sent the few aids at my disposal to the left to give instructions to the troops approaching in the direction of Alexandria; and hearing artillery firing in the direction of the Vienna and Langley road, by which the corps of Sumner, Porter, and Sigel were returning, and learning from General Pope that Sumner was probably engaged, I went, with a single aid and three orderlies, by the shortest line to meet that column. I reached the column after dark, and proceeded as far as Lewinsville, where I became satisfied that the rear corps (Sumner's) would be able to reach its intended position without any serious molestation.

I therefore indicated to Generals Porter and Sigel the positions they were to occupy, sent instructions to General Sumner, and at a late hour of the night returned to Washington.

Next day I rode to the front of Alexandria, and was engaged in rectifying the positions of the troops, and giving orders necessary to secure the issuing of the necessary supplies, etc.

I felt sure on this day that we could repulse any attack made by the enemy on the south side of the Potomac.

On the third the enemy had disappeared from the front of Washington, and the information which I received induced me to believe that he intended to cross the Upper Potomac into Maryland. This materially changed the aspect of affairs, and enlarged the sphere of operations; for, in case of a crossing in force, an active campaign would be necessary to cover Baltimore, prevent the invasion of Pennsylvania, and clear Maryland.

I therefore, on the third, ordered the Second and Twelfth corps to Tenallytown, and the Ninth corps to a point on the Seventh street road near Washington, and sent such cavalry as was available to the fords near Poolesville, to watch and impede the enemy in any attempt to cross in that vicinity.

On September fifth, the Second and Twelfth corps were moved to Rockville, and Couch's division (the only one of the Fourth corps that had been brought from the Peninsula) to Offut's Cross-Roads.

On the sixth, the First and Ninth corps were ordered to Leesburgh; the Sixth corps, and Sykes's division of the Fifth corps, to Tenallytown.

On the seventh, the Sixth corps was advanced to Rockville, to which place my headquarters were moved on the same day.

All the necessary arrangements for the defence of the city, under the new condition of things, had been made, and General Banks was left in command, having received his instructions from me.

It will be seen from what has preceded that I lost no time that could be avoided in moving the army of the Potomac from the Peninsula to the support of the army of Virginia; that I spared no effort to hasten the embarkation of the troops at Fort Monroe, Newport News, and Yorktown, remaining at Fort Monroe myself until the mass of the army had sailed; and that, after my arrival at Alexandria, I left nothing in my power undone to forward supplies and reinforcements to General Pope. I sent, with the troops that moved, all the cavalry I could get hold of. Even my personal escort was sent out upon the line of the railway as a guard, with the provost and camp-guards at headquarters, retaining less than one hundred men, many of whom were orderlies, invalids, members of bands, etc. All the headquarters teams that arrived were sent out with supplies and ammunition, none being retained even to move the headquarters camp. The squadron that habitually served as my personal escort was left at Falmouth with General Burnside, as he was deficient in cavalry.

I left Washington on the seventh of September. At this time it was known that the mass

of the rebel army had passed up the south side of the Potomac in the direction of Leesburgh, and that a portion of that army had crossed into Maryland; but whether it was their intention to cross their whole force with a view to turn Washington by a flank movement down the north bank of the Potomac, to move on Baltimore, or to invade Pennsylvania, were questions which, at that time, we had no means of determining. This uncertainty as to the intentions of the enemy obliged me, up to the thirteenth of September, to march cautiously and to advance the army in such order as continually to keep Washington and Baltimore covered, and at the same time to hold the troops well in hand so as to be able to concentrate and follow rapidly if the enemy took the direction of Pennsylvania; or to return to the defence of Washington, if, as was greatly feared by the authorities, the enemy should be merely making a feint with a small force to draw off our army, while with their main forces they stood ready to seize the first favorable opportunity to attack the capital.

In the mean time the process of reorganization, rendered necessary after the demoralizing effects of the disastrous campaign upon the other side of the Potomac, was rapidly progressing; the troops were regaining confidence, and their former soldierly appearance and discipline were fast returning. My cavalry was pushed out continually in all directions, and all possible steps were taken to learn the positions and movements of the enemy.

The following table shows the movements of the army, from day to day, up to the fourteenth of September: (See page 619.)

The right wing, consisting of the First and Ninth corps, under the command of Major-General Burnside, moved on Frederick; the First corps *via* Brooksville, Cooksville, and Ridgeville, and the Ninth corps *via* Damascus and New-Market.

The Second and Twelfth corps, forming the centre, under the command of General Sumner, moved on Frederick; the former *via* Clarksburgh and Urbana, the Twelfth corps on a lateral road between Urbana and New-Market, thus maintaining the communication with the right wing, and covering the direct road from Frederick to Washington. The Sixth corps, under the command of General Franklin, moved to Buckeystown *via* Darnestown, Dawsonville, and Barnesville, covering the road from the mouth of the Monocacy to Rockville, and being in a position to connect with and support the centre, should it have been necessary (as was supposed) to force the line of the Monocacy.

Couch's division moved by the "river road," covering that approach, watching the fords of the Potomac, and ultimately following and supporting the Sixth corps.

The following extracts from telegrams, received by me after my departure from Washington, will show how little was known there about the enemy's movements, and the fears which were en-

tertained for the safety of the capital. On the ninth of September, General Halleck telegraphed me as follows:

"Until we can get better advices about the numbers of the enemy at Drainsville, I think we

must be very cautious about stripping, too much, the forts on the Virginia side. It may be the enemy's object to draw off the mass of our forces and then attempt to attack from the Virginia side of the Potomac. Think of this."

	September 4.	September 6.	September 9.	September 10.
BURNSIDE.				
Ninth corps, Reno.....	Seventh street road...	Leesburgh.....	Brookville.....	.....
First corps, Hooker.....	Upton Hill.....	Leesburgh.....	Brookville.....	.....
SUMNER.				
Twelfth corps, Williams.....	Tenallytown.....	Rockville.....	Middleburgh.....	Damascus.
Second corps, Sumner.....	Tenallytown.....	Rockville.....	Middleburgh.....	Clarksburgh.
FRANKLIN.				
Sixth corps, Franklin.....	Alex. Seminary.....	Tenallytown.....	Darnestown.....	Barnesville.
Couch's division.....	Tenallytown.....	Offut's Cross-Roads..	Mouth of Seneca.....	Poolesville.
Bykes's division.....		Tenallytown.....	Rockville.....	Rockville.
	September 11.	September 12.	September 13.	September 14.
BURNSIDE.				
Ninth corps, Reno.....	New-Market.....	Frederick.....	Middleburgh.....	South-Mountain.
First corps, Hooker.....		Ridgeville, New-Market, camp on the Monocacy,	Frederick.....	South-Mountain.
SUMNER.				
Twelfth corps, Williams.....	Damascus.....	Damascusville Cross-Roads	Frederick.....	South-Mountain.
Second corps, Sumner.....	Clarksburgh.....	Urbana.....	Frederick.....	South-Mountain.
FRANKLIN.				
Sixth corps, Franklin.....	Barnesville.....	Lickenwell Cross-Road.	Buckeystown.....	Burkettaville.
Couch's division.....	Poolesville.....	Barnesville.....	Sicksville.....	Burkettaville.
Bykes's division.....	Middleburgh.....	Urbana.....	Frederick.....	Middletown.

Again, on the eleventh of September, General Halleck telegraphed me as follows:

"Why not order forward Keyes or Sigel? I think the main force of the enemy is in your front; more troops can be spared from here."

This despatch, as published by the Committee on the Conduct of the War, and furnished by the General-in-Chief, reads as follows:

"Why not order forward Porter's corps or Sigel's? *If the main force of the enemy is in your front, more troops can be spared from here.*"

I remark that the original despatch, as received by me from the telegraph operator, is in the words quoted above, "*I think the main force of the enemy,*" etc.

In accordance with this suggestion, I asked, on the same day, that all the troops that could be spared should at once be sent to reinforce me, but none came.

On the twelfth I received the following telegram from his Excellency the President: "Governor Curtin telegraphs me: 'I have advices that Jackson is crossing the Potomac at Williamsport, and probably the whole rebel army will be drawn from Maryland.'" The President adds: "Receiving nothing from Harper's Ferry or Martinsburgh to-day, and positive information from

Wheeling that the line is cut, corroborates the idea that the enemy is re-crossing the Potomac. Please do not let him get off without being hurt."

On the thirteenth General Halleck telegraphed as follows: "Until you know more certainly the enemy's force south of the Potomac, you are wrong in thus uncovering the capital. I am of the opinion that the enemy will send a small column toward Pennsylvania to draw your forces in that direction, then suddenly move on Washington with the forces south of the Potomac and those he may cross over." Again, on the fourteenth, General Halleck telegraphed me that "scouts report a large force still on the Virginia side of the Potomac. If so, I fear you are exposing your left and rear."

Again, as late as the sixteenth, after we had the most positive evidence that Lee's entire army was in front of us, I received the following:

WAR DEPARTMENT, September 16, 1862—12.8 P.M.

Yours of seven A.M. is this moment received. As you give me no information in regard to the position of your forces, except that at Sharpsburgh, of course I cannot advise. I think, however, you will find that the whole force of the enemy in your front has crossed the river; I fear now more than ever that they will re-cross at

Harper's Ferry, or below, and turn your left, thus cutting you off from Washington. This has appeared to me to be a part of their plan, and hence my anxiety on the subject; a heavy rain might prevent it. H. W. HALLECK,
General-in-Chief.

Major-General McCLELLAN.

The importance of moving with all due caution, so as not to uncover the national capital until the enemy's position and plans were developed, was, I believe, fully appreciated by me; and as my troops extended from the Baltimore and Ohio Railroad to the Potomac, with the extreme left flank moving along that stream, and with strong pickets left in rear to watch and guard all the available fords, I did not regard my left or rear as in any degree exposed. But it appears from the foregoing telegrams that the General-in-Chief was of a different opinion, and that my movements were, in his judgment, too precipitate, not only for the safety of Washington, but also for the security of my left and rear.

The precise nature of these daily injunctions against a precipitate advance may now be perceived. The General-in-Chief, in his testimony before the Committee on the Conduct of the War, says: "In respect to General McClellan going too fast or too slow from Washington, there can be found no such telegram from me to him. He has mistaken the meaning of the telegrams I sent him. I telegraphed him that he was going too far, not from Washington, but from the Potomac, leaving General Lee the opportunity to come down the Potomac and get between him and Washington. I thought General McClellan should keep more on the Potomac, and press forward his left rather than his right, so as the more readily to relieve Harper's Ferry."

As I can find no telegram from the General-in-Chief recommending me to keep my left flank nearer the Potomac, I am compelled to believe that when he gave this testimony he had forgotten the purport of the telegrams above quoted, and had also ceased to remember the fact, well known to him at the time, that my left, from the time I left Washington, always rested on the Potomac, and my centre was continually in position to reinforce the left or right, as occasion might require. Had I advanced my left flank along the Potomac more rapidly than the other columns marched upon the roads to the right, I should have thrown that flank out of supporting distance of the other troops and greatly exposed it. And if I had marched the entire army in one column along the bank of the river instead of upon five different parallel roads, the column, with its trains, would have extended about fifty miles, and the enemy might have defeated the advance before the rear could have reached the scene of action. Moreover, such a movement would have uncovered the communications with Baltimore and Washington on our right, and exposed our right and rear. I presume it will be admitted by every military man that it was necessary to move the army in such order that it

could at any time be concentrated for battle; and I am of opinion that this object could not have been accomplished in any other way than the one employed. Any other disposition of our forces would have subjected them to defeat in detached fragments.

On the tenth of September I received from my scouts information which rendered it quite probable that General Lee's army was in the vicinity of Frederick, but whether his intention was to move toward Baltimore or Pennsylvania was not then known. On the eleventh, I ordered General Burnside to push a strong reconnoissance across the National road and the Baltimore and Ohio Railroad, toward New-Market, and, if he learned that the enemy had moved toward Hagerstown, to press on rapidly to Frederick, keeping his troops constantly ready to meet the enemy in force. A corresponding movement of all the troops in the centre and on the left was ordered in the direction of Urbana and Poolesville.

On the twelfth, a portion of the right wing entered Frederick, after a brief skirmish at the outskirts of the city and in the streets.

On the thirteenth, the main bodies of the right wing and centre passed through Frederick. It was soon ascertained that the main body of the enemy's forces had marched out of the city on the two previous days, taking the roads to Boonsboro and Harper's Ferry, thereby rendering it necessary to force the passes through the Catocin and South-Mountain ridges, and gain possession of Boonsboro and Rohrer'sville before any relief could be extended to Colonel Miles at Harper's Ferry.

On the thirteenth, an order fell into my hands, issued by General Lee, which fully disclosed his plans, and I immediately gave orders for a rapid and vigorous forward movement.

The following is a copy of the order referred to:

SPECIAL ORDERS, No. 112.

HEADQUARTERS ARMY OF NORTHERN VIRGINIA, }
September 2, 1862.

The army will resume its march to-morrow, taking the Hagerstown road. General Jackson's command will form the advance, and, after passing Middletown, with such portion as he may select, take the route toward Sharpsburgh, cross the Potomac at the most convenient point, and by Friday night take possession of the Baltimore and Ohio Railroad, capture such of the enemy as may be at Martinsburgh, and intercept such as may attempt to escape from Harper's Ferry.

General Longstreet's command will pursue the same road as far as Boonsboro, where it will halt with the reserve, supply and baggage trains of the army.

General McLaws, with his own division and that of General R. H. Anderson, will follow General Longstreet; on reaching Middletown, he will take the route to Harper's Ferry, and, by Friday morning, possess himself of the Maryland Heights, and endeavor to capture the enemy at Harper's Ferry and vicinity.

General Walker, with his division, after accomplishing the object in which he is now engaged, will cross the Potomac at Cheek's Ford, ascend its right bank to Lovettsville, take possession of Loudon Heights, if practicable, by Friday morning; Keys's Ford on his left, and the road between the end of the mountain and the Potomac on his right. He will, as far as practicable, cooperate with General McLaws and General Jackson in intercepting the retreat of the enemy.

General D. H. Hill's division will form the rear-guard of the army, pursuing the road taken by the main body. The reserve artillery, ordnance and supply trains, etc., will precede General Hill.

General Stuart will detach a squadron of cavalry to accompany the commands of General Longstreet, Jackson, and McLaws, and, with the main body of the cavalry, will cover the route of the army, and bring up all stragglers that may have been left behind.

The commands of Generals Jackson, McLaws, and Walker, after accomplishing the objects for which they have been detached, will join the main body of the army at Boonsboro or Hagerstown.

Each regiment on the march will habitually carry its axes in the regimental ordnance wagons, for use of the men at their encampments, to procure wood, etc.

By command of General R. E. LEE.

R. H. CHILTON,
Assistant Adjutant-General.

Major-General D. H. Hill,
Commanding Division.

In the report of a military commission, of which Major-General D. Hunter was President, which convened at Washington for the purpose of investigating the conduct of certain officers in connection with the surrender of Harper's Ferry, I find the following:

"The commission has remarked freely on Colonel Miles, an old officer, who has been killed in the service of his country, and it cannot, from any motives of delicacy, refrain from censuring those in high command when it thinks such censure deserved.

"The General-in-Chief has testified that General McClellan, after having received orders to repel the enemy invading the State of Maryland, marched only six miles per day, on an average, when pursuing this invading army.

"The General-in-Chief also testifies that, in his opinion, he could and should have relieved and protected Harper's Ferry, and in this opinion the commission fully concur."

I have been greatly surprised that this commission, in its investigations, never called upon me, nor upon any officer of my staff, nor, so far as I know, upon any officer of the army of the Potomac able to give an intelligent statement of the movements of that army. But another paragraph in the same report makes testimony from such sources quite superfluous. It is as follows:

"By a reference to the evidence it will be seen that at the very moment Colonel Ford abandoned

Maryland Heights, his little army was in reality relieved by Generals Franklin's and Sumner's corps at Crampton's Gap, within seven miles of his position."

The corps of Generals Franklin and Sumner were a part of the army which I at that time had the honor to command, and they were acting under my orders at Crampton's Gap and elsewhere; and if, as the commission states, Colonel Ford's "little army was in reality relieved" by those officers, it was relieved by me.

I had, on the morning of the tenth, sent the following despatch in relation to the command at Harper's Ferry:

CAMP NEAR ROCKVILLE, }
September 10, 1862—9.45 A.M. }

Colonel Miles is at or near Harper's Ferry, as I understand, with nine thousand troops. He can do nothing where he is, but could be of great service if ordered to join me. I suggest that he be ordered to join me by the most practicable route.

GEORGE B. MCCLELLAN,
Major-General.

Major-General HALLECK, Washington, D. C.

To this I received the following reply:

There is no way for Colonel Miles to join you at present; his only chance is to defend his works till you can open communication with him.

H. W. HALLECK,

GEORGE B. MCCLELLAN,
Major-General.

It seems necessary, for a distinct understanding of this matter, to state that I was directed on the twelfth to assume command of the garrison of Harper's Ferry as soon as I should open communications with that place, and that when I received this order all communication from the direction in which I was approaching was cut off. Up to that time, however, Colonel Miles could, in my opinion, have marched his command into Pennsylvania, by crossing the Potomac at Williamsport or above; and this opinion was confirmed by the fact that Colonel Davis marched the cavalry part of Colonel Miles's command from Harper's Ferry on the fourteenth, taking the main road to Hagerstown, and he encountered no enemy except a small picket near the mouth of the Antietam.

Before I left Washington, and when there certainly could have been no enemy to prevent the withdrawal of the forces of Colonel Miles, I recommended to the proper authorities that the garrison of Harper's Ferry should be withdrawn *via* Hagerstown, to aid in covering the Cumberland Valley; or that, taking up the pontoon-bridge and obstructing the railroad bridge, it should fall back to the Maryland Heights, and there hold out to the last.

In this position it ought to have maintained itself for many days. It was not deemed proper to adopt either of these suggestions, and when the matter was left to my discretion it was too late for me to do any thing but endeavor to relieve the garrison. I accordingly directed artillery to be fired by our advance at frequent inter-

vals as a signal that relief was at hand. This was done, and, as I afterward learned, the reports of the cannon were distinctly heard at Harper's Ferry. It was confidently expected that Colonel Miles would hold out until we had carried the mountain passes, and were in condition to send a detachment to his relief. The left was therefore ordered to move through Crampton's Pass in front of Burkettsville, while the centre and right marched upon Turner's Pass in front of Middletown.

It may be asked by those who are not acquainted with the topography of the country in the vicinity of Harper's Ferry, why Franklin, instead of marching his column over the circuitous road from Jefferson *viz* Burkettsville and Browns-ville, was not ordered to move along the direct turnpike to Knoxville, and thence up the river to Harper's Ferry.

It was for the reason that I had received information that the enemy were anticipating our approach in that direction, and had established batteries on the south side of the Potomac which commanded all the approaches to Knoxville; moreover the road from that point winds directly along the river bank at the foot of a precipitous mountain, where there was no opportunity of forming in line of battle, and where the enemy could have placed batteries on both sides of the river to enfilade our narrow approaching columns.

The approach through Crampton's Pass, which debouches into Pleasant Valley in rear of Maryland Heights, was the only one which afforded any reasonable prospect of carrying that formidable position; at the same time, the troops upon that road were in better relation to the main body of our forces.

On the morning of the fourteenth a verbal message reached me from Colonel Miles, which was the first authentic intelligence I had received as to the condition of things at Harper's Ferry. The messenger informed me that on the preceding afternoon Maryland Heights had been abandoned by our troops after repelling an attack of the rebels, and that Colonel Miles's entire force was concentrated at Harper's Ferry, the Maryland, Loudon, and Bolivar Heights having been abandoned by him, and occupied by the enemy. The messenger also stated that there was no apparent reason for the abandonment of the Maryland Heights, and that Colonel Miles instructed him to say that he could hold out with certainty two days longer.

I directed him to make his way back, if possible, with the information that I was approaching rapidly, and felt confident I could relieve the place.

On the same afternoon I wrote the following letter to Colonel Miles, and despatched three copies by three different couriers on different routes. I did not, however, learn that any of these men succeeded in reaching Harper's Ferry:

MIDDLETOWN, September 14, 1862.

COLONEL: The army is being rapidly concen-

trated here. We are now attacking the pass on the Hagerstown road over the Blue Ridge. A column is about attacking the Burkettsville and Boonsboro Pass. You may count on our making every effort to relieve you. You may rely upon my speedily accomplishing that object. Hold out to the last extremity. If it is possible, reoccupy the Maryland Heights with your whole force. If you can do that, I will certainly be able to relieve you. As the Catoctin Valley is in our possession, you can safely cross the river at Berlin or its vicinity, so far as opposition on this side of the river is concerned. Hold out to the last.

GEORGE B. MCCLELLAN,
Major-General Commanding.

Colonel D. S. MILES.

On the previous day I had sent General Franklin the following instructions:

HEADQUARTERS ARMY OF THE POTOMAC,
CAMP NEAR FREDERICK,
September 13, 1862—6.30 P.M.

GENERAL: I have now full information as to movements and intentions of the enemy. Jackson has crossed the Upper Potomac to capture the garrison at Martinsburgh and cut off Miles's retreat toward the West. A division on the south side of the Potomac was to carry Loudon Heights and cut off his retreat in that direction. McLaws with his own command and the division of R. H. Anderson was to move by Boonsboro and Rohrsersville to carry the Maryland Heights. The signal officers inform me that he is now in Pleasant Valley. The firing shows that Miles still holds out. Longstreet was to move to Boonsboro, and there halt with the reserve corps; D. H. Hill to form the rear-guard; Stuart's cavalry to bring up stragglers, etc. We have cleared out all the cavalry this side of the mountains and north of us. The last I heard from Pleasanton he occupied Middletown, after several sharp skirmishes. A division of Burnside's command started several hours ago to support him. The whole of Burnside's command, including Hooker's corps, march this evening and early to-morrow morning, followed by the corps of Sumner and Banks, and Sykes's division, upon Boonsboro to carry that position. Couch has been ordered to concentrate his division and join you as rapidly as possible. Without waiting for the whole of that division to join, you will move at daybreak in the morning by Jefferson and Burkettsville upon the road to Rohrsersville. I have reliable information that the mountain pass by this road is practicable for artillery and wagons. If this pass is not occupied by the enemy in force, seize it as soon as practicable, and debouch upon Rohrsersville in order to cut off the retreat of or destroy McLaws's command. If you find this pass held by the enemy in large force, make all your dispositions for the attack and commence it about half an hour after you hear severe firing at the pass on the Hagerstown Pike, where the main body will attack. Having gained the pass, your duty will be first to cut off, destroy, or capture McLaws's command and relieve Colonel Miles. If

you effect this, you will order him to join you at once with all his disposable troops, first destroying the bridges over the Potomac, if not already done, and, leaving a sufficient garrison to prevent the enemy from passing the ford, you will then return by Rohrsersville on the direct road to Boonsboro, if the main column has not succeeded in its attack. If it has succeeded, take the road to Rohrsersville, to Sharpsburgh and Williamsport, in order either to cut off the retreat of Hill and Longstreet toward the Potomac, or prevent the repassage of Jackson. My general idea is to cut the enemy in two and beat him in detail. I believe I have sufficiently explained my intentions. I ask of you, at this important moment, all your intellect and the utmost activity that a general can exercise.

GEORGE B. MCCLELLAN,
Major-General Commanding.

Major-General W. B. FRANKLIN,
Commanding Sixth Corps.

Again on the fourteenth, I sent him the following:

HEADQUARTERS ARMY OF THE POTOMAC, }
FREDERICK, September 14, 1862—2 P.M. }

Your despatch of half-past twelve just received. Send back to hurry up Couch. Mass your troops and carry Burkettville at any cost. We shall have strong opposition at both passes. As fast as the troops come up I will hold a reserve in readiness to support you. If you find the enemy in very great force at any of these passes let me know at once, and amuse them as best you can so as to retain them there. In that event I will probably throw the mass of the army on the pass in front of here. If I carry that, it will clear the way for you, and you must follow the enemy as rapidly as possible.

GEORGE B. MCCLELLAN,
Major-General Commanding.

Major-General FRANKLIN.

General Franklin pushed his corps rapidly forward toward Crampton's Pass, and at about twelve o'clock on the fourteenth arrived at Burkettville, immediately in rear of which he found the enemy's infantry posted in force on both sides of the road, with artillery in strong positions to defend the approaches to the Pass. Slocum's division was formed upon the right of the road leading through the Gap, and Smith's upon the left. A line formed of Bartlett's and Torbett's brigades, supported by Newton, whose activity was conspicuous, advanced steadily upon the enemy at a charge on the right. The enemy were driven from their position at the base of the mountain, where they were protected by a stone wall, steadily forced back up the slope until they reached the position of their battery on the road, well up the mountain. There they made a stand. They were, however, driven back, retiring their artillery in echelon until, after an action of three hours, the crest was gained, and the enemy hastily fled down the mountain on the other side.

On the left of the road, Brooks's and Irvin's brigades, of Smith's division, formed for the protection of Slocum's flank, charged up the mountain in the same steady manner, driving the

enemy before them until the crest was carried. Four hundred prisoners from seventeen different organizations, seven hundred stand of arms, one piece of artillery, and three colors, were captured by our troops in this brilliant action. It was conducted by General Franklin in all its details. These details are given in a report of General Franklin, herewith submitted, and due credit awarded to the gallant officers and men engaged.

The loss in General Franklin's corps was one hundred and fifteen killed, four hundred and sixteen wounded, and two missing. The enemy's loss was about the same. The enemy's position was such that our artillery could not be used with any effect. The close of the action found General Franklin's advance in Pleasant Valley on the night of the fourteenth, within three and a half miles of the Point on Maryland Heights where he might, on the same night or on the morning of the fifteenth, have formed a junction with the garrison of Harper's Ferry had it not been previously withdrawn from Maryland Heights, and within six miles of Harper's Ferry.

On the night of the fourteenth the following despatch was sent to General Franklin:

BOLIVAR, September 15—1 A.M.

GENERAL:

The Commanding General directs that you occupy, with your command, the road from Rohrsersville to Harper's Ferry, placing a sufficient force at Rohrsersville to hold that position in case it should be attacked by the enemy from Boonsboro. Endeavor to open communication with Colonel Miles at Harper's Ferry, attacking and destroying such of the enemy as you may find in Pleasant Valley. Should you succeed in opening communication with Colonel Miles, direct him to join you with his whole command, with all the guns and public property that he can carry with him. The remainder of the guns will be spiked or destroyed; the rest of the public property will also be destroyed. You will then proceed to Boonsboro, which place the Commanding General intends to attack to-morrow, and join the main body of the army at that place; should you find, however, that the enemy have retreated from Boonsboro toward Sharpsburgh, you will endeavor to fall upon him and cut off his retreat.

By command of Major-General McClellan.

GEORGE D. RUGGLES,
Colonel and Aid-de-Camp.

General FRANKLIN.

On the fifteenth, the following were received from General Franklin:

AT THE FOOT OF MOUNT PLEASANT,
IN PLEASANT VALLEY, THREE MILES FROM ROHRERSVILLE, }
September 15—8.50 A.M. }

GENERAL: My command started at daylight this morning, and I am waiting to have it closed up here. General Couch arrived about ten o'clock last night. I have ordered one of his brigades and one battery to Rohrsersville or to the strongest point in its vicinity. The enemy is drawn up in line of battle about two miles to

our front, one brigade in sight. As soon as I am sure that Rohrer'sville is occupied I shall move forward to attack the enemy. This may be two hours from now. If Harper's Ferry has fallen—and the cessation of firing makes me fear that it has—it is my opinion that I should be strongly reinforced.

W. B. FRANKLIN,

Major-General, Commanding Corps.

General G. B. McCLELLAN.

September 15—11 A.M.

GENERAL: I have received your despatch by Captain O'Keefe. The enemy is in large force in my front, in two lines of battle stretching across the valley, and a large column of artillery and infantry on the right of the valley looking toward Harper's Ferry. They outnumber me two to one. It will of course not answer to pursue the enemy under these circumstances. I shall communicate with Burnside as soon as possible. In the mean time I shall wait here until I learn what is the prospect of reinforcement. I have not the force to justify an attack on the force I see in front. I have had a very close view of it, and its position is very strong.

Respectfully, W. B. FRANKLIN,

Major-General.

General G. B. McCLELLAN, Commanding.

Colonel Miles surrendered Harper's Ferry at eight A.M. on the fifteenth, as the cessation of the firing indicated, and General Franklin was ordered to remain where he was to watch the large force in front of him, and protect our left and rear until the night of the sixteenth, when he was ordered to join the main body of the army at Keedysville, after sending Couch's division to Maryland Heights. While the events which have just been described were taking place at Crampton's Gap, the troops of the centre and right wing, which had united at Frederick on the thirteenth, were engaged in the contest for the possession of Turner's Gap.

On the morning of the thirteenth, General Pleasanton was ordered to send McReynolds's brigade and a section of artillery in the direction of Gettysburgh, and Rush's regiment toward Jefferson to communicate with Franklin, to whom the Sixth United States cavalry and a section of artillery had previously been sent, and to proceed with the remainder of his force in the direction of Middletown in pursuit of the enemy.

After skirmishing with the enemy all the morning, and driving them from several strong positions, he reached Turner's Gap of the South-Mountain in the afternoon, and found the enemy in force and apparently determined to defend the Pass. He sent back for infantry to General Burnside, who had been directed to support him, and proceeded to make a reconnoissance of the position.

The South-Mountain is at this point about one thousand feet in height, and its general direction is from north-east to south-west. The national road from Frederick to Hagerstown crosses it

nearly at right angles through Turner's Gap, a depression which is some four hundred feet in depth.

The mountain on the north side of the turnpike is divided into two crests, or ridges, by a narrow valley, which, though deep at the pass, becomes a slight depression at about a mile to the north. There are two country roads, one to the right of the turnpike and the other to the left, which give access to the crests overlooking the main road. The one on the left, called the "Old Sharpsburgh road," is nearly parallel to and about half a mile distant from the turnpike, until it reaches the crest of the mountain, when it bends off to the left. The other road, called the "Old Hagerstown road," passes up a ravine in the mountains about a mile from the turnpike, and bending to the left over and along the first crest, enters the turnpike at the Mountain House, near the summit of the pass.

On the night of the thirteenth, the positions of the different corps were as follows:

Reno's corps at Middletown, except Rodman's division at Frederick.

Hooker's corps on the Monocacy, two miles from Frederick.

Sumner's corps near Frederick.

Banks's corps near Frederick.

Sykes's division near Frederick.

Franklin's corps at Buckeystown.

Couch's division at Licksville.

The orders from headquarters for the march on the fourteenth were as follows:

Thirteenth, half-past eleven P.M.—Hooker to march at daylight to Middletown.

Thirteenth, half-past eleven P.M.—Sykes to move at six A.M. after Hooker, on the Middletown and Hagerstown road.

Fourteenth, one A.M.—Artillery reserve to follow Sykes closely.

Thirteenth, forty-five minutes past eight P.M.—Turner to move at seven A.M.

Fourteenth, nine A.M.—Sumner ordered to take the Shookstown road to Middletown.

Thirteenth, forty-five minutes past six P.M.—Couch ordered to move to Jefferson with his whole division.

On the fourteenth, General Pleasanton continued his reconnoissance. Gibson's battery and afterward Benjamin's battery (of Reno's corps) were placed on high ground to the left of the turnpike, and obtained a direct fire on the enemy's position in the gap.

General Cox's division, which had been ordered up to support General Pleasanton, left its bivouac, near Middletown, at six A.M. The First brigade reached the scene of action about nine A.M., and was sent up the old Sharpsburgh road by General Pleasanton to feel the enemy and ascertain if he held the crest on that side in strong force. This was soon found to be the case; and General Cox having arrived with the other brigade, and information having been received from General Reno that the column would be supported by the whole corps, the division was ordered to assault the position. Two twenty-pounder

Parrotts of Simmons's battery and two sections of McMullan's battery, were left in the rear in position near the turnpike, where they did good service during the day against the enemy's batteries in the gap. Colonel Scammon's brigade was deployed, and, well covered by skirmishers, moved up the slope to the left of the road with the object of turning the enemy's right, if possible. It succeeded in gaining the crest and establishing itself there, in spite of the vigorous efforts of the enemy, who was posted behind stone walls and in the edges of timber, and the fire of a battery which poured in canister and case-shot on the regiment on the right of the brigade. Colonel Crooke's brigade marched in columns at supporting distance. A section of McMullan's battery, under Lieutenant Croome, (killed while serving one of his guns,) was moved up with great difficulty, and opened with canister at very short range on the enemy's infantry, by whom (after having done considerable execution) it was soon silenced and forced to withdraw.

One regiment of Crooke's brigade was now deployed on Scammon's left, and the other two in his rear, and they several times entered the first line and relieved the regiments in front of them when hard pressed. A section of Sumner's battery was brought up and placed in the open space in the woods, where it did good service during the rest of the day.

The enemy several times attempted to retake the crest, advancing with boldness, but were each time repulsed. They then withdrew their battery to a point more to the right, and formed columns on both our flanks. It was now about noon, and a lull occurred in the contest which lasted about two hours, during which the rest of the corps was coming up. General Wilcox's division was the first to arrive. When he reached the base of the mountain, General Cox advised him to consult General Pleasanton as to a position. The latter indicated that on the right, afterward taken up by General Hooker. General Wilcox was in the act of moving to occupy this ground, when he received an order from General Reno to move up the old Sharpsburgh road and take a position to its right, overlooking the turnpike. Two regiments were detached to support General Cox, at his request. One section of Cook's battery was placed in position near the turn of the road, (on the crest,) and opened fire on the enemy's batteries across the gap. The division was proceeding to deploy to the right of the road, when the enemy suddenly opened (at one hundred and fifty yards) with a battery which enfiladed the road at this point, drove off Cook's cannoneers with their limbers, and caused a temporary panic, in which the guns were nearly lost. But the Seventy-ninth New-York and Seventeenth Michigan promptly rallied, changed front under a heavy fire, and moved out to protect the guns with which Captain Cook had remained. Order was soon restored, and the division formed in line on the right of Cox, and was kept concealed as much as possible under the hill-side until the whole line advanced. It was exposed not only to the fire of the battery in front, but

also to that of the batteries on the other side of the turnpike, and lost heavily.

Shortly before this time Generals Burnside and Reno arrived at the base of the mountain; and the former directed the latter to move up the divisions of Generals Sturgis and Rodman to the crest held by Cox and Wilcox, and to move upon the enemy's position with his whole force as soon as he was informed that General Hooker (who had just been directed to attack on the right) was well advanced up the mountain.

General Reno then went to the front and assumed the direction of affairs, the positions having been explained to him by General Pleasanton. Shortly before this time I arrived at the point occupied by General Burnside, and my headquarters were located there until the conclusion of the action. General Sturgis had left his camp at one P.M., and reached the scene of action about half-past three P.M. Clark's battery, of his division, was sent to assist Cox's left, by order of General Reno, and two regiments (Second Maryland and Sixth New-Hampshire) were detached by General Reno and sent forward a short distance on the left of the turnpike. His division was formed in rear of Wilcox's, and Rodman's division was divided; Colonel Fairchild's brigade being placed on the extreme left, and Colonel Harland's, under General Rodman's personal supervision, on the right.

My order to move the whole line forward and take or silence the enemy's batteries in front was executed with enthusiasm. The enemy made a desperate resistance, charging our advancing lines with fierceness, but they were everywhere routed and fled.

Our chief loss was in Wilcox's division. The enemy's battery was found to be across a gorge and beyond the reach of our infantry; but its position was made untenable, and it was hastily removed and not again put in position near us. But the batteries across the gap still kept up a fire of shot and shell.

General Wilcox praises very highly the conduct of the Seventeenth Michigan in this advance—a regiment which had been organized scarcely a month, but which charged the advancing enemy in flank in a manner worthy of veteran troops; and also that of the Forty-fifth Pennsylvania, which bravely met them in front.

Cook's battery now reopened fire. Sturgis's division was moved to the front of Wilcox's, occupying the new ground gained on the further side of the slope, and his artillery opened on the batteries across the gap. The enemy made an effort to turn our left about dark, but were repulsed by Fairchild's brigade and Clark's battery.

At about seven o'clock the enemy made another effort to regain the lost ground, attacking along Sturgis's front and part of Cox's. A lively fire was kept up until nearly nine o'clock, several charges being made by the enemy and repulsed with slaughter, and we finally occupied the highest part of the mountain.

General Reno was killed just before sunset, while making a reconnoissance to the front, and

the command of the corps devolved upon General Cox. In General Reno the nation lost one of its best general officers. He was a skillful soldier, a brave and honest man.

There was no firing after ten o'clock, and the troops slept on their arms ready to renew the fight at daylight; but the enemy quietly retired from our front during the night, abandoning their wounded, and leaving their dead in large numbers scattered over the field. While these operations were progressing on the left of the main column, the right under General Hooker was actively engaged. His corps left the Monocacy early in the morning, and its advance reached the Catoctin Creek about one P.M. General Hooker then went forward to examine the ground.

At about one o'clock General Meade's division was ordered to make a diversion in favor of Reno. The following is the order sent:

September 14—1 P.M.

GENERAL: General Reno requests that a division of yours may move up on the right (north) of the main road. General McClellan desires you to comply with this request, holding your whole corps in readiness to support the movement, and taking charge of it yourself.

Sumner's and Banks's corps have commenced arriving. Let General McClellan be informed as soon as you commence your movement.

GEORGE D. RUGGLES,

Colonel, Assistant Adjutant-General, and Aid-de-Camp.

Major-General HOOKER.

Meade's division left Catoctin Creek about two o'clock, and turned off to the right from the main road on the old Hagerstown road to Mount Tabor church, where General Hooker was, and deployed a short distance in advance, its right resting about one and a half mile from the turnpike. The enemy fired a few shots from a battery on the mountain side, but did no considerable damage. Coope's battery B, First Pennsylvania artillery, was placed in position on high ground at about half-past three o'clock, and fired at the enemy on the slope, but soon ceased by order of General Hooker, and the position of our lines prevented any further use of artillery by us on this part of the field. The First Massachusetts cavalry was sent up the valley to the right to observe the movements, if any, of the enemy in that direction, and one regiment of Meade's division was posted to watch the road coming in the same direction. The other divisions were deployed as they came up, General Hatch's on the left, and General Ricketts's, which arrived at five P.M., in the rear. General Gibbon's brigade was detached from Hatch's division by General Burnside, for the purpose of making a demonstration on the enemy's centre, up the main road, as soon as the movements on the right and left had sufficiently progressed. The First Pennsylvania Rifles of General Seymour's brigade were sent forward as skirmishers to feel the enemy, and it was found that he was in force. Meade was then directed to advance his division to the right of the road, so as to outflank them if possible, and then to

move forward and attack, while Hatch was directed to take with his division the crest on the left of the old Hagerstown road, Ricketts's division being held in reserve. Seymour's brigade was sent up to the top of the slope, on the right of the ravine, through which the road runs; and then moved along the summit parallel to the road, while Colonel Gallagher's and Colonel Magilton's brigades moved in the same direction along the slope and in the ravine.

The ground was of the most difficult character for the movement of troops, the hillside being very steep and rocky, and obstructed by stone walls and timber. The enemy was very soon encountered, and in a short time the action became general along the whole front of the division. The line advanced steadily up the mountain side, where the enemy was posted behind trees and rocks, from which he was gradually dislodged. During this advance Colonel Gallagher, commanding Third brigade, was severely wounded; and the command devolved upon Lieutenant-Colonel Robert Anderson.

General Meade having reason to believe that the enemy were attempting to outflank him on his right, applied to General Hooker for reinforcements. General Duryea's brigade of Ricketts's division was ordered up, but it did not arrive until the close of the action. It was advanced on Seymour's left, but only one regiment could open fire before the enemy retired and darkness intervened.

General Meade speaks highly of General Seymour's skill in handling his brigade on the extreme right, securing by his manoeuvres the great object of the movement, the outflanking of the enemy.

While General Meade was gallantly driving the enemy on the right, General Hatch's division was engaged in a severe contest for the possession of the crest on the left of the ravine; it moved up the mountain in the following order: two regiments of General Patrick's brigade deployed as skirmishers, with the other two regiments of the same brigade supporting them. Colonel Phelps's brigade in line of battalions in mass at deploying distance, General Doubleday's brigade in the same order bringing up the rear. The Twenty-first New-York having gone straight up the slope instead of around to the right, as directed, the Second United States sharpshooters was sent out in its place. Phelps's and Doubleday's brigades were deployed in turn as they reached the woods, which began about half up the mountain. General Patrick with his skirmishers soon drew the fire of the enemy, and found him strongly posted behind a fence which bounded the cleared space on the top of the ridge, having on his front the woods through which our line was advancing, and in his rear a corn-field full of rocky ledges, which afforded good cover to fall back to if dislodged.

Phelps's brigade gallantly advanced, under a hot fire, to close quarters, and after ten or fifteen minutes of heavy firing on both sides (in which General Hatch was wounded while urging on his

men) the fence was carried by a charge, and our line advanced a few yards beyond it, somewhat sheltered by the slope of the hill.

Doubleday's brigade, now under the command of Lieutenant-Colonel Hoffman, (Colonel Wainwright having been wounded,) relieved Phelps, and continued firing for an hour and a half; the enemy behind ledges of rocks, some thirty or forty paces in our front, making a stubborn resistance, and attempting to charge on the least cessation of our fire. About dusk Colonel Christian's brigade of Ricketts's division came up and relieved Doubleday's brigade, which fell back into line behind Phelps's. Christian's brigade continued the action for thirty or forty minutes, when the enemy retired, after having made an attempt to flank us on the left, which was repulsed by the Seventy-fifth New-York and Seventh Indiana.

The remaining brigade of Ricketts's division (General Hartsuff's) was moved up in the centre, and connected Meade's left with Doubleday's right. We now had possession of the summit of the first ridge which commanded the turnpike on both sides of the mountain, and the troops were ordered to hold their positions until further orders, and slept on their arms. Late in the afternoon General Gibbon, with his brigade and one section of Gibbon's battery, (B, Fourth artillery,) was ordered to move up the main road on the enemy's centre. He advanced a regiment on each side of the road, preceded by skirmishers, and followed by the other two regiments in double column; the artillery moving on the road until within range of the enemy's guns, which were firing on the column from the gorge.

The brigade advanced steadily, driving the enemy from his positions in the woods and behind stone walls, until they reached a point well up toward the top of the pass, when the enemy, having been reinforced by three regiments, opened a heavy fire on the front and on both flanks. The fight continued until nine o'clock, the enemy being entirely repulsed; and the brigade, after having suffered severely, and having expended all its ammunition, including even the cartridges of the dead and wounded, continued to hold the ground, it had so gallantly won until twelve o'clock, when it was relieved by General Gorman's brigade of Sedgwick's division, Sumner's corps, (except the Sixth Wisconsin, which remained on the field all night.) General Gibbon, in this delicate movement, handled his brigade with as much precision and coolness as if upon parade, and the bravery of his troops could not be excelled.

The Second corps (Sumner's) and the Twelfth corps (Williams's) reached their final positions shortly after dark. General Richardson's division was placed near Mount Tabor church, in a position to support our right, if necessary; the Twelfth corps and Sedgwick's division bivouacked around Bolivar, in a position to support our centre and left.

General Sykes's division of regulars and the artillery reserve halted for the night at Middletown. Thus, on the night of the fourteenth the

whole army was massed in the vicinity of the field of battle, in readiness to renew the action the next day, or to move in pursuit of the enemy. At daylight our skirmishers were advanced, and it was found that he had retreated during the night, leaving his dead on the field, and his wounded uncared for.

About one thousand five hundred prisoners were taken by us during the battle, and the loss to the enemy in killed was much greater than our own, and, probably, also in wounded. It is believed that the force opposed to us on Turner's Gap consisted of D. H. Hill's corps, (fifteen thousand,) and a part, if not the whole, of Longstreet's, and perhaps a portion of Jackson's, probably some thirty thousand in all.

We went into action with about thirty thousand men, and our losses amounted to one thousand five hundred and sixty-eight aggregate, (three hundred and twelve killed, one thousand two hundred and thirty-four wounded, and twenty-two missing.)

On the next day I had the honor to receive the following very kind despatch from His Excellency the President:

WAR DEPARTMENT, WASHINGTON,
September, 15, 1863—2.45 P.M. }

Your despatch of to-day received. God bless you, and all with you; destroy the rebel army if possible.

A. LINCOLN.

Major-General McCLELLAN.

"ANTIETAM."

On the night of the battle of South-Mountain, orders were given to the corps commanders to press forward the pickets at early dawn. This advance revealed the fact that the enemy had left his positions, and an immediate pursuit was ordered: the cavalry, under General Pleasanton, and the three corps under Generals Sumner, Hooker, and Mansfield, (the latter of whom had arrived that morning and assumed command of the Twelfth, Williams's corps,) by the national turnpike and Boonsboro; the corps of Generals Burnside and Porter (the latter command at that time consisting of but one weak division, Sykes's) by the old Sharpsburgh road, and General Franklin to move into Pleasant Valley, occupy Rohrer'sville by a detachment, and endeavor to relieve Harper's Ferry.

Generals Burnside and Porter, upon reaching the road from Boonsboro to Rohrer'sville to reinforce Franklin, or to move on Sharpsburgh, according to circumstances.

Franklin moved toward Brownsville and found there a force of the enemy, much superior in numbers to his own, drawn up in a strong position to receive him. At this time the cessation of firing at Harper's Ferry indicated the surrender of that place.

The cavalry overtook the enemy's cavalry in Boonsboro, made a daring charge, killing and wounding a number, and capturing two hundred and fifty prisoners and two guns.

General Richardson's division of the Second corps pressing the rear-guard of the enemy

vigor, passed Boonsboro and Keedysville, and came upon the main body of the enemy, occupying in large force a strong position a few miles beyond the latter place.

It had been hoped to engage the enemy during the fifteenth. Accordingly, instructions were given that if the enemy were overtaken on the march they should be attacked at once; if found in heavy force and in position, the corps in advance should be placed in position for attack, and await my arrival. On reaching the advanced position of our troops, I found but two divisions, Richardson's and Sykes's, in position; the other troops were halted in the road; the head of the column some distance in rear of Richardson.

The enemy occupied a strong position on the heights, on the west side of Antietam Creek, displaying a large force of infantry and cavalry, with numerous batteries of artillery, which opened on our columns as they appeared in sight on the Keedysville road and Sharpsburgh turnpike, which fire was returned by Captain Tidball's light battery, Second United States artillery, and Pettit's battery, First New-York artillery.

The division of General Richardson, following close on the heels of the retreating foe, halted and deployed near Antietam River, on the right of the Sharpsburgh road. General Sykes, leading on the division of regulars on the old Sharpsburgh road, came up and deployed to the left of General Richardson, on the left of the road.

Antietam Creek, in this vicinity, is crossed by four stone bridges—the upper one on the Keedysville and Williamsport road; the second on the Keedysville and Sharpsburgh turnpike, some two and a half miles below; the third about a mile below the second, on the Rohrsersville and Sharpsburgh road; and the fourth near the mouth of Antietam Creek, on the road leading from Harper's Ferry to Sharpsburgh, some three miles below the third. The stream is sluggish, with few and difficult fords. After a rapid examination of the position, I found that it was too late to attack that day, and at once directed the placing of the batteries in position in the centre, and indicated the bivouacs for the different corps, massing them near and on both sides of the Sharpsburgh turnpike. The corps were not all in their positions until the next morning after sunrise.

On the morning of the sixteenth, it was discovered that the enemy had changed the position of his batteries. The masses of his troops, however, were still concealed behind the opposite heights. Their left and centre were upon and in front of the Sharpsburgh and Hagerstown turnpike, hidden by woods and irregularities of the ground; their extreme left resting upon a wooded eminence near the cross-roads to the north of J. Miller's farm; their left resting upon the Potomac. Their line extended south, the right resting upon the hills to the south of Sharpsburgh, near Shaveley's farm.

The bridge over the Antietam, described as No. 8, near this point, was strongly covered by riflemen protected by rifle-pits, stone fences, etc., and enfiladed by artillery. The ground in front

of this line consisted of undulating hills, their crests in turn commanded by others in their rear. On all favorable points the enemy's artillery was posted and their reserves hidden from view by the hills, on which their line of battle was formed, could manœuvre unobserved by our army, and from the shortness of their line could rapidly reinforce any point threatened by our attack. Their position, stretching across the angle formed by the Potomac and Antietam, their flanks and rear protected by these streams, was one of the strongest to be found in this region of country, which is well adapted to defensive warfare.

On the right, near Keedysville, on both sides of the Sharpsburgh turnpike, were Sumner's and Hooker's corps. In advance, on the right of the turnpike and near the Antietam River, General Richardson's division of General Sumner's corps was posted. General Sykes's division of General Porter's corps was on the left of the turnpike and in line with General Richardson, protecting the bridge No. 2, over the Antietam. The left of the line, opposite to and some distance from bridge No. 3, was occupied by General Burnside's corps.

Before giving General Hooker his orders to make the movement which will presently be described, I rode to the left of the line to satisfy myself that the troops were properly posted there to secure our left flank from any attack made along the left bank of the Antietam, as well as to enable us to carry bridge No. 3.

I found it necessary to make considerable changes in the position of General Burnside's corps, and directed him to advance to a strong position in the immediate vicinity of the bridge, and to reconnoitre the approaches to the bridge carefully. In front of Generals Sumner's and Hooker's corps, near Keedysville, and on the ridge of the first line of hills overlooking the Antietam, and between the turnpike and Fry's house on the right of the road, were placed Captain Taft's, Langner's, Von Kleizer's, and Lieutenant Weaver's batteries of twenty-pounder Parrott guns. On the crest of the hill in the rear and right of bridge No. 3, Captain Weed's three-inch and Lieutenant Benjamin's twenty-pounder batteries. General Franklin's corps and General Couch's division held a position in Pleasant Valley in front of Brownsville, with a strong force of the enemy in their front. General Morell's division of Porter's corps was *en route* from Boonsboro, and General Humphrey's division of new troops *en route* from Frederick, Maryland. About daylight on the sixteenth the enemy opened a heavy fire of artillery on our guns in position, which was promptly returned; their fire was silenced for the time, but was frequently renewed during the day. In the heavy fire of the morning, Major Arndt, commanding First battalion First New-York artillery, was mortally wounded while directing the operations of his batteries.

It was afternoon before I could move the troops to their positions for attack, being compelled to spend the morning in reconnoitring the new po-

sition taken up by the enemy, examining the ground, finding fords, clearing the approaches, and hurrying up the ammunition and supply trains, which had been delayed by the rapid march of the troops over the few practicable approaches from Frederick. These had been crowded by the masses of infantry, cavalry, and artillery pressing on with the hope of overtaking the enemy before he could form to resist an attack. Many of the troops were out of rations on the previous day, and a good deal of their ammunition had been expended in the severe action of the fourteenth.

My plan for the impending general engagement was to attack the enemy's left with the corps of Hooker and Mansfield, supported by Sumner's, and if necessary by Franklin's; and, as soon as matters looked favorably there, to move the corps of Burnside against the enemy's extreme right, upon the ridge running to the south and rear of Sharpsburgh, and having carried their position, to press along the crest toward our right; and whenever either of these flank movements should be successful, to advance our centre with all the forces then disposable.

About two P.M. General Hooker, with his corps, consisting of General Ricketts's, Meade's, and Doubleday's divisions, was ordered to cross the Antietam at a ford, and at bridge No. 1, a short distance above, to attack and, if possible, turn the enemy's left. General Sumner was ordered to cross the corps of General Mansfield (the Twelfth) during the night, and hold his own (the Second) corps ready to cross early the next morning. On reaching the vicinity of the enemy's left a sharp contest commenced with the Pennsylvania reserves, the advance of General Hooker's corps, near the house of D. Miller. The enemy were driven from the strip of woods where he was first met. The firing lasted until after dark, when General Hooker's corps rested on their arms on ground won from the enemy.

During the night General Mansfield's corps, consisting of Generals Williams's and Green's divisions, crossed the Antietam at the same ford and bridge that General Hooker's troops had passed, and bivouacked on the farm of J. Poffenberger, about a mile in rear of General Hooker's position. At daylight on the seventeenth, the action was commenced by the skirmishers of the Pennsylvania reserves. The whole of General Hooker's corps was soon engaged, and drove the enemy from the open field in front of the first line of woods into a second line of woods beyond, which runs to the eastward of and nearly parallel to the Sharpsburgh and Hagerstown turnpike.

This contest was obstinate, and as the troops advanced the opposition became more determined and the number of the enemy greater. General Hooker then ordered up the corps of General Mansfield, which moved promptly toward the scene of action.

The First division, General Williams's, was deployed to the right on approaching the enemy; General Crawford's brigade on the right, its right

resting on the Hagerstown turnpike; on his left General Gordon's brigade. The Second division, General Green's, joining the left of Gordon's, extended as far as the burned buildings to the north and east of the white church on the turnpike. During the deployment, that gallant veteran General Mansfield fell mortally wounded, while examining the ground in front of his troops. General Hartsuff, of Hooker's corps, was severely wounded, while bravely pressing forward his troops, and was taken from the field.

The command of the Twelfth corps fell upon General Williams. Five regiments of First division of this corps were new troops. One brigade of the Second division was sent to support General Doubleday.

The One Hundred and Twenty-fourth Pennsylvania volunteers were pushed across the turnpike into the woods beyond J. Miller's house, with orders to hold the position as long as possible.

The line of battle of this corps was formed, and it became engaged about seven A.M., the attack being opened by Knapp's, (Pennsylvania,) Cothran's, (New-York,) and Hampton's (Pittsburgh) batteries. To meet this attack the enemy had pushed a strong column of troops into the open fields in front of the turnpike, while he occupied the woods on the west of the turnpike in strong force. The woods (as was found by subsequent observation) were traversed by outcropping ledges of rock. Several hundred yards to the right and rear was a hill which commanded the debouche of the woods, and in the fields between was a long line of stone fences, continued by breastworks of rails, which covered the enemy's infantry from our musketry. The same woods formed a screen behind which his movements were concealed, and his batteries on the hill and the rifle-works covered from the fire of our artillery in front.

For about two hours the battle raged with varied success, the enemy endeavoring to drive our troops into the second line of wood, and ours in turn to get possession of the line in front.

Our troops ultimately succeeded in forcing the enemy back into the woods near the turnpike, General Green with his two brigades crossing into the woods to the left of the Dunker Church. During this conflict General Crawford, commanding First division after General Williams took command of the corps, was wounded and left the field.

General Green being much exposed and applying for reinforcements, the Thirteenth New-Jersey, Twenty-seventh Indiana, and the Third Maryland were sent to his support, with a section of Knapp's battery.

At about nine o'clock A.M. General Sedgwick's division of General Sumner's corps arrived. Crossing the ford previously mentioned, this division marched in three columns to the support of the attack on the enemy's left. On nearing the scene of action the columns were halted, faced to the front, and established by General Sumner in three parallel lines by brigade, facing toward the

south and west; General Gorman's brigade in front, General Dana's second, and General Howard's third, with a distance between the lines of some seventy paces. The division was then put in motion and moved upon the field of battle, under fire from the enemy's concealed batteries on the hill beyond the roads. Passing diagonally to the front across the open space and to the front of the First division of General Williams's corps, this latter division withdrew.

Entering the woods on the west of the turnpike, and driving the enemy before them, the first line was met by a heavy fire of musketry and shell from the enemy's breastworks and the batteries on the hill commanding the exit from the woods; meantime a heavy column of the enemy had succeeded in crowding back the troops of General Green's division, and appeared in rear of the left of Sedgwick's division. By command of General Sumner, General Howard faced the third line to the rear preparatory to a change of front to meet the column advancing on the left; but this line now suffering from a destructive fire both in front and on its left, which it was unable to return, gave way toward the right and rear in considerable confusion, and was soon followed by the first and second lines.

General Gorman's brigade, and one regiment of General Dana's, soon rallied and checked the advance of the enemy on the right. The second and third lines now formed on the left of General Gorman's brigade, and poured a destructive fire upon the enemy.

During General Sumner's attack, he ordered General Williams to support him. Brigadier-General Gordon, with a portion of his brigade, moved forward, but when he reached the woods, the left of General Sedgwick's division had given way; and finding himself, as the smoke cleared up, opposed to the enemy in force with his small command, he withdrew to the rear of the batteries at the second line of woods. As General Gordon's troops unmasked our batteries on the left, they opened with canister; the batteries of Captain Cothran, First New-York, and I, First artillery, commanded by Lieutenant Woodruff, doing good service. Unable to withstand this deadly fire in front and the musketry fire from the right, the enemy again sought shelter in the woods and rocks beyond the turnpike.

During this assault Generals Sedgwick and Dana were seriously wounded and taken from the field. General Sedgwick, though twice wounded, and faint from loss of blood, retained command of his division for more than an hour after his first wound, animating his command by his presence.

About the time of General Sedgwick's advance, General Hooker, while urging on his command, was severely wounded in the foot and taken from the field, and General Meade was placed in command of his corps. General Howard assumed command after General Sedgwick retired.

The repulse of the enemy offered opportunity to rearrange the lines and reorganize the commands on the right, now more or less in confusion.

The batteries of the Pennsylvania reserve, on high ground, near I. Poffenburger's house, opened fire, and checked several attempts of the enemy to establish batteries in front of our right, to turn that flank and enfilade the lines.

While the conflict was so obstinately raging on the right, General French was pushing his division against the enemy still further to the left. This division crossed the Antietam at the same ford as General Sedgwick, and immediately in his rear. Passing over the stream in three columns, the division marched about a mile from the ford, then facing to the left, moved in three lines toward the enemy; General Max Weber's brigade in front; Colonel Dwight Morris's brigade of raw troops, undrilled, and moving for the first time under fire, in the second, and General Kimball's brigade in the third. The division was first assailed by a fire of artillery, but steadily advanced, driving in the enemy's skirmishers, and encountered the infantry in some force at the group of houses on Roulette's Farm. General Weber's brigade gallantly advanced with an unwavering front and drove the enemy from their position about the houses.

While General Weber was hotly engaged with the first line of the enemy, General French received orders from General Sumner, his corps commander, to push on with renewed vigor to make a diversion in favor of the attack on the right. Leaving the new troops, who had been thrown into some confusion from their march through corn-fields, over fences, etc., to form as a reserve, he ordered the brigade of General Kimball to the front, passing to the left of General Weber. The enemy was pressed back to near the crest of the hill, where he was encountered in greater strength posted in a sunken road forming a natural rifle-pit running in a north-westerly direction. In a corn-field in rear of this road were also strong bodies of the enemy. As the line reached the crest of the hill a galling fire was opened on it from the sunken road and corn-field. Here a terrific fire of musketry burst from both lines, and the battle raged along the whole line with great slaughter.

The enemy attempted to turn the left of the line, but were met by the Seventh Virginia and One Hundred and Thirty-second Pennsylvania volunteers and repulsed. Foiled in this, the enemy made a determined assault on the front, but were met by a charge from our lines, which drove them back with severe loss, leaving in our hands some three hundred prisoners and several stand of colors. The enemy having been repulsed by the terrible execution of the batteries and the musketry fire on the extreme right, now attempted to assist the attack on General French's division by assailing him on his right and endeavoring to turn his flank, but this attack was met and checked by the Fourteenth Indiana and Eighth Ohio volunteers, and by canister from Captain Tompkins's battery, First Rhode Island artillery. Having been under an almost continuous fire for nearly four hours, and the ammunition nearly expended, this division now took position immedi-

ately below the crest of the heights on which they had so gallantly fought, the enemy making no attempt to regain their lost ground.

On the left of General French, General Richardson's division was hotly engaged. Having crossed the Antietam about half-past nine A.M. at the ford crossed by the other divisions of Sumner's corps, it moved on a line nearly parallel to the Antietam, and formed in a ravine behind the high grounds overlooking Roulette's house; the Second (Irish) brigade, commanded by General Meagher, on the right; the Third brigade, commanded by General Caldwell, on his left, and the brigade commanded by Colonel Brooks, Fifty-third Pennsylvania volunteers, in support. As the division moved forward to take its position on the field, the enemy directed a fire of artillery against it, but owing to the irregularities of the ground did but little damage.

Meagher's brigade advancing steadily, soon became engaged with the enemy posted to the left and in front of Roulette's house. It continued to advance under a heavy fire nearly to the crest of the hill overlooking Piper's house, the enemy being posted in a continuation of the sunken road and corn-field before referred to. Here the brave Irish brigade opened upon the enemy a terrific musketry fire.

All of General Sumner's corps was now engaged; General Sedgwick on the right, General French in the centre, and General Richardson on the left. The Irish brigade sustained its well-earned reputation. After suffering terribly in officers and men, and strewing the ground with their enemies as they drove them back, their ammunition nearly expended, and their Commander, General Meagher, disabled by the fall of his horse shot under him, this brigade was ordered to give place to General Caldwell's brigade, which advanced to a short distance in its rear. The lines were passed by the Irish brigade breaking by company to the rear, and General Caldwell's by company to the front as steadily as on drill. Colonel Brooks's brigade now became the second line.

The ground over which Generals Richardson's and French's divisions were fighting was very irregular, intersected by numerous ravines, hills covered with growing corn, inclosed by stone walls, behind which the enemy could advance unobserved upon any exposed point of our lines. Taking advantage of this, the enemy attempted to gain the right of Richardson's position in a corn-field near Roulette's house, where the division had become separated from that of General French's. A change of front by the Fifty-second New-York and Second Delaware volunteers, of Colonel Brooks's brigade, under Colonel Frank, and the attack made by the Fifty-third Pennsylvania volunteers, sent further to the right by Colonel Brooks to close this gap in the line, and the movement of the One Hundred and Thirty-second Pennsylvania and Seventh Virginia volunteers of General French's division before referred to, drove the enemy from the corn-field and restored the line.

The brigade of General Caldwell, with determined gallantry, pushed the enemy back opposite the left and centre of this division, but sheltered in the sunken road, they still held our forces on the right of Caldwell in check. Colonel Barlow, commanding the Sixty-first and Sixty-fourth New-York regiments of Caldwell's brigade, seeing a favorable opportunity, advanced the regiments on the left, taking the line in the sunken road in flank, and compelled them to surrender, capturing over three hundred prisoners and three stands of colors.

The whole of the brigade, with the Fifty-seventh and Sixty-sixth New-York regiments of Colonel Brooks's brigade, who had moved these regiments into the first line, now advanced with gallantry, driving the enemy before them in confusion into the corn-field beyond the sunken road. The left of the division was now well advanced, when the enemy, concealed by an intervening ridge, endeavored to turn its left and rear.

Colonel Cross, Fifth New-Hampshire, by a change of front to the left and rear, brought his regiment facing the advancing line. Here a spirited contest arose to gain a commanding height, the two opposing forces moving parallel to each other, giving and receiving fire. The Fifth gaining the advantage, faced to the right and delivered its volley. The enemy staggered, but rallied and advanced desperately at a charge. Being reinforced by the Eighty-first Pennsylvania, these regiments met the advance by a counter charge. The enemy fled, leaving many killed, wounded, and prisoners, and the colors of the Fourth North-Carolina, in our hands.

Another column of the enemy, advancing under shelter of a stone wall and corn-field, pressed down on the right of the division; but Colonel Barlow again advanced the Sixty-first and Sixty-fourth New-York against these troops, and with the attack of Kimball's brigade on the right, drove them from this position.

Our troops on the left of this part of the line having driven the enemy far back, they, with reinforced numbers, made a determined attack directly in front. To meet this, Colonel Barlow brought his two regiments to their position in line, and drove the enemy through the corn-field into the orchard beyond, under a heavy fire of musketry, and a fire of canister from two pieces of artillery in the orchard, and a battery further to the right, throwing shell and case-shot. This advance gave us possession of Piper's house, the strong point contended for by the enemy at this part of the line, it being a defensible building several hundred yards in advance of the sunken road. The musketry fire at this point of the line now ceased. Holding Piper's house, General Richardson withdrew the line a little way to the crest of a hill, a more advantageous position. Up to this time the division was without artillery, and in the new position suffered severely from artillery fire which could not be replied to. A section of Robertson's horse battery, commanded by Lieutenant Vincent, Second artillery, now arrived on the ground and did excellent ser-

vice. Subsequently a battery of brass guns, commanded by Captain Graham, First artillery, arrived, and was posted on the crest of the hill, and soon silenced the two guns in the orchard. A heavy fire soon ensued between the battery further to the right and our own. Captain Graham's battery was bravely and skilfully served, but unable to reach the enemy, who had rifled guns of greater range than our smooth-bores, retired by order of General Richardson, to save it from useless sacrifice of men and horses. The brave General was himself mortally wounded while personally directing its fire.

General Hancock was placed in command of the division after the fall of General Richardson. General Meagher's brigade, now commanded by Colonel Burke, of the Sixty-third New-York, having refilled their cartridge-boxes, was again ordered forward, and took position in the centre of the line. The division now occupied one line in close proximity to the enemy, who had taken up a position in the rear of Piper's-house. Colonel Dwight Morris, with the Fourteenth Connecticut and a detachment of the One Hundred and Eighth New-York, of General French's division, was sent by General French to the support of General Richardson's division. This command was now placed in an interval in the line between General Caldwell's and the Irish brigades.

The requirements of the extended line of battle had so engaged the artillery that the application of General Hancock for artillery for the division could not be complied with immediately by the Chief of Artillery or the corps commanders in his vicinity. Knowing the tried courage of the troops, General Hancock felt confident that he could hold his position, although suffering from the enemy's artillery, but was too weak to attack, as the great length of the line he was obliged to hold prevented him from forming more than one line of battle, and, from his advanced position, this line was already partly enfiladed by the batteries of the enemy on the right, which were protected from our batteries opposite them by the woods at the Dunker Church.

Seeing a body of the enemy advancing on some of our troops to the left of his position, General Hancock obtained Hexamer's battery from General Franklin's corps, which assisted materially in frustrating this attack. It also assisted the attack of the Seventh Maine, of Franklin's corps, which, without other aid, made an attack against the enemy's line, and drove in skirmishers who were annoying our artillery and troops on the right. Lieutenant Woodruff, with battery I, Second artillery, relieved Captain Hexamer, whose ammunition was expended. The enemy at one time seemed to be about making an attack in force upon this part of the line, and advanced a long column of infantry toward this division; but on nearing the position, General Pleasanton opening on them with sixteen guns, they halted, gave a desultory fire, and retreated, closing the operations on this portion of the field. I return to the incidents occurring still further to the right.

Between twelve and one P.M. General Franklin's corps arrived on the field of battle, having left their camp near Crampton's Pass at six A.M., leaving General Couch with orders to move with his division to occupy Maryland Heights. General Smith's division led the column, followed by General Slocum's.

It was first intended to keep this corps in reserve on the east side of the Antietam, to operate on either flank or on the centre, as circumstances might require; but on nearing Keedysville, the strong opposition on the right, developed by the attacks of Hooker and Sumner, rendered it necessary at once to send this corps to the assistance of the right wing.

On nearing the field, hearing that one of our batteries, (A.) Fourth United States artillery, commanded by Lieutenant Thomas, who occupied the same position as Lieutenant Woodruff's battery in the morning, was hotly engaged without supports, General Smith sent two regiments to its relief from General Hancock's brigade. On inspecting the ground, General Smith ordered the other regiments of Hancock's brigade, with Frank's and Cowen's batteries, First New-York artillery, to the threatened position. Lieutenant Thomas and Captain Cothran, commanding batteries, bravely held their positions against the advancing enemy, handling their batteries with skill.

Finding the enemy still advancing, the Third brigade, of Smith's division, commanded by Colonel Irwin, Forty-ninth Pennsylvania volunteers, was ordered up, and passed through Lieutenant Thomas's battery, charged upon the enemy, and drove back the advance until abreast of the Dunker Church. As the right of the brigade came opposite the woods it received a destructive fire, which checked the advance and threw the brigade somewhat into confusion. It formed again behind a rise of ground in the open space in advance of the batteries.

General French having reported to General Franklin that his ammunition was nearly expended, that officer ordered General Brooks, with his brigade, to reinforce him. General Brooks formed his brigade on the right of General French, where they remained during the remainder of the day and night, frequently under the fire of the enemy's artillery.

It was soon after the brigade of Colonel Irwin had fallen back behind the rise of ground that the Seventh Maine, by order of Colonel Irwin, made the gallant attack already referred to.

The advance of General Franklin's corps was opportune. The attack of the enemy on this position, but for the timely arrival of his corps, must have been disastrous, had it succeeded in piercing the line between Generals Sedgwick and French's divisions.

General Franklin ordered two brigades of General Slocum's division, General Newton's and Colonel Torbert's, to form in column to assault the woods that had been so hotly contested before by Generals Sumner and Hooker. General Bartlett's brigade was ordered to form as a reserve. At this time General Sumner, having command

on the right, directed further offensive operations to be postponed, as the repulse of this, the only remaining corps available for attack, would peril the safety of the whole army.

General Porter's corps, consisting of General Sykes's division of regulars and volunteers and General Morell's division of volunteers, occupied a position on the east side of Antietam Creek, upon the main turnpike leading to Sharpsburgh, and directly opposite the centre of the enemy's line. This corps filled the interval between the right wing and General Burnside's command, and guarded the main approach from the enemy's position to our trains of supply. It was necessary to watch this part of our line with the utmost vigilance, lest the enemy should take advantage of the first exhibition of weakness here to push upon us a vigorous assault, for the purpose of piercing our centre and turning our rear, as well as to capture or destroy our supply trains. Once having penetrated this line, the enemy's passage to our rear could have met with but feeble resistance, as there were no reserves to reinforce or close up the gap.

Toward the middle of the afternoon, proceeding to the right, I found that Sumner's, Hooker's, and Mansfield's corps had met with serious losses. Several general officers had been carried from the field severely wounded, and the aspect of affairs was any thing but promising. At the risk of greatly exposing our centre, I ordered two brigades from Porter's corps, the only available troops, to reinforce the right. Six battalions of Sykes's regulars had been thrown forward across the Antietam bridge on the main road to attack and drive back the enemy's sharp-shooters, who were annoying Pleasanton's horse batteries in advance of the bridge; Warren's brigade of Porter's corps, was detached to hold a position on Burnside's right and rear; so that Porter was left at one time with only a portion of Sykes's division and one small brigade of Morell's division (but little over three thousand men) to hold his important position.

General Sumner expressed the most decided opinion against another attempt during that day to assault the enemy's position in front, as portions of our troops were so much scattered and demoralized. In view of these circumstances, after making changes in the position of some of the troops, I directed the different commanders to hold their positions, and being satisfied that this could be done without the assistance of the two brigades from the centre, I countermanded the order, which was in course of execution.

General Slocum's division replaced a portion of General Sumner's troops, and positions were selected for batteries in front of the woods. The enemy opened several heavy fires of artillery on the position of our troops after this, but our batteries soon silenced them.

On the morning of the seventeenth, General Pleasanton, with his cavalry division and the horse batteries, under Captains Robertson, Tidball, and Lieutenant Haines, of the Second ar-

tillery, and Captain Gibson, Third artillery, was ordered to advance on the turnpike toward Sharpsburgh, across bridge Number 2, and support the left of General Sumner's line. The bridge being covered by a fire of artillery and sharp-shooters, cavalry skirmishers were thrown out, and Captain Tidball's battery advanced by piece and drove off the sharp-shooters with canister sufficiently to establish the batteries above mentioned, which opened on the enemy with effect. The firing was kept up for about two hours, when, the enemy's fire slackening, the batteries were relieved by Randall's and Van Reed's batteries, United States artillery. About three o'clock Tidball, Robertson, and Haines returned to their positions on the west of Antietam, Captain Gibson having been placed in position on the east side to guard the approaches to the bridge. These batteries did good service, concentrating their fire on the column of the enemy about to attack General Hancock's position, and compelling it to find shelter behind the hills in rear.

General Sykes's division had been in position since the fifteenth, exposed to the enemy's artillery and sharp-shooters. General Morell had come up on the sixteenth, and relieved General Richardson on the right of General Sykes. Continually, under the vigilant watch of the enemy, this corps guarded a vital point.

The position of the batteries under General Pleasanton being one of great exposure, the battalion of the Second and Tenth United States infantry, under Captain Pollard, Second infantry, was sent to his support. Subsequently four battalions of regular infantry, under Captain Dryer, Fourth infantry, were sent across to assist in driving off the sharp-shooters of the enemy.

The battalion of the Second and Tenth infantry, advancing far beyond the batteries, compelled the cannoners of a battery of the enemy to abandon their guns. Few in numbers, and unsupported, they were unable to bring them off. The heavy loss of this small body of men attests their gallantry.

The troops of General Burnside held the left of the line opposite bridge Number 3. The attack on the right was to have been supported by an attack on the left. Preparatory to this attack, on the evening of the sixteenth, General Burnside's corps was moved forward and to the left, and took up a position nearer the bridge.

I visited General Burnside's position on the sixteenth, and after pointing out to him the proper dispositions to be made of his troops during the day and night, informed him that he would probably be required to attack the enemy's right on the following morning, and directed him to make careful reconnaissances.

General Burnside's corps, consisting of the divisions of Generals Cox, Wilcox, Rodman, and Sturgis, was posted as follows: Colonel Brooks's brigade, Cox's division, on the right, General Sturgis's division immediately in rear. On the left was General Rodman's division, with General Scammon's brigade, Cox's division, in support.

General Wilcox's division was held in reserve. The corps bivouacked in position on the night of the sixteenth.

Early on the morning of the seventeenth, I ordered General Burnside to form his troops, and hold them in readiness to assault the bridge in his front, and to await further orders.

At eight o'clock an order was sent to him by Lieutenant Wilson, topographical engineers, to carry the bridge, then to gain possession of the heights beyond, and to advance along their crest upon Sharpsburgh and its rear.

After some time had elapsed, not hearing from him, I despatched an aid to ascertain what had been done. The aid returned with the information that but little progress had been made. I then sent him back with an order to General Burnside to assault the bridge at once, and carry it at all hazards. The aid returned to me a second time with the report that the bridge was still in the possession of the enemy. Whereupon I directed Colonel Sackett, Inspector-General, to deliver to General Burnside my positive order to push forward his troops without a moment's delay, and, if necessary, to carry the bridge at the point of the bayonet; and I ordered Colonel Sackett to remain with General Burnside and see that the order was executed promptly.

After these three hours' delay, the bridge was carried at one o'clock by a brilliant charge of the Fifty-first New-York and Fifty-first Pennsylvania volunteers. Other troops were then thrown over, and the opposite bank occupied, the enemy retreating to the heights beyond.

A halt was then made by General Burnside's advance until three p.m., upon hearing which, I directed one of my aids, Colonel Key, to inform General Burnside that I desired him to push forward his troops with the utmost vigor, and carry the enemy's position on the heights; that the movement was vital to our success; that this was a time when we must not stop for loss of life, if a great object could thereby be accomplished. That if, in his judgment, his attack would fail, to inform me so at once, that his troops might be withdrawn and used elsewhere on the field. He replied that he would soon advance, and would go up the hill as far as a battery of the enemy on the left would permit. Upon this report, I again immediately sent Colonel Key to General Burnside with orders to advance at once, if possible to flank the battery, or storm it and carry the heights; repeating that if he considered the movement impracticable, to inform me so, that his troops might be recalled. The advance was then gallantly resumed, the enemy driven from the guns, the heights handsomely carried, and a portion of the troops even reached the outskirts of Sharpsburgh. By this time it was nearly dark, and strong reinforcements just then reaching the enemy from Harper's Ferry, attacked General Burnside's troops on their left flank, and forced them to retire to a lower line of hills nearer the bridge.

If this important movement had been consummated two hours earlier, a position would have

been secured upon the heights, from which our batteries might have enfiladed the greater part of the enemy's line, and turned their right and rear; our victory might thus have been much more decisive.

The following is the substance of General Burnside's operations as given in his report:

Colonel Crook's brigade was ordered to storm the bridge. This bridge, No. 3, is a stone structure of three arches with stone parapets. The banks of the stream on the opposite side are precipitous, and command the eastern approaches to the bridge. On the hill-side, immediately by the bridge, was a stone fence running parallel to the stream; the turns of the roadway, as it wound up the hill, were covered by rifle-pits and breast-works of rails, etc. These works, and the woods that covered the slopes, were filled with the enemy's riflemen, and batteries were in position to enfilade the bridge and its approaches.

General Rodman was ordered to cross the ford below the bridge. From Colonel Crook's position it was found impossible to carry the bridge.

General Sturgis was ordered to make a detail from his division for that purpose. He sent forward the Second Maryland and the Sixth New-Hampshire. These regiments made several successive attacks in the most gallant style, but were driven back.

The artillery on the left were ordered to concentrate their fire on the woods above the bridge. Colonel Crook brought a section of Captain Simmons's battery to a position to command the bridge. The Fifty-first New-York and Fifty-first Pennsylvania were then ordered to assault the bridge. Taking advantage of a small spur of the hills which ran parallel to the river, they moved toward the bridge. From the crest of this spur they rushed with bayonets fixed and cleared the bridge.

The division followed the storming party, also the brigade of Colonel Crook's as a support. The enemy withdrew to still higher ground, some five or six hundred yards beyond, and opened a fire of artillery on the troops in the new position on the crest of the hill above the bridge.

General Rodman's division succeeded in crossing the ford after a sharp fire of musketry and artillery, and joined on the left of Sturgis, Scammon's brigade crossing as support. General Wilcox's division was ordered across to take position on General Sturgis's right.

These dispositions being completed about three o'clock, the command moved forward, except Sturgis's division, left in reserve. Clark's and Durell's batteries accompanied Rodman's division; Cook's battery with Wilcox's division, and a section of Simmons's battery with Colonel Crook's brigade. A section of Simmons's battery and Mullenburgh's and McMullan's batteries were in position. The order for the advance was obeyed by the troops with alacrity. General Wilcox's division, with Crook in support, moved up on both sides of the turnpike leading from the bridge to Sharpsburgh, General Rodman's division, supported by Scammon's brigade, on the left of Gen-

eral Wilcox. The enemy retreated before the advance of the troops. The Ninth New-York, of General Rodman's division, captured one of the enemy's batteries and held it for some time. As the command was driving the enemy to the main heights on the left of the town, the light division of General A. P. Hill arrived upon the field of battle from Harper's Ferry, and with a heavy artillery fire made a strong attack on the extreme left. To meet this attack the left division diverged from the line of march intended, and opened a gap between it and the right. To fill up this it was necessary to order the troops from the second line. During these movements General Rodman was mortally wounded. Colonel Harland's brigade, of General Rodman's division, was driven back. Colonel Scammon's brigade, by a change of front to rear on his right flank, saved the left from being driven completely in. The fresh troops of the enemy pouring in, and the accumulation of artillery against this command, destroyed all hope of its being able to accomplish any thing more.

It was now nearly dark. General Sturgis was ordered forward to support the left. Notwithstanding the hard work in the early part of the day, his division moved forward with spirit. With its assistance the enemy were checked and held at bay.

The command was ordered to fall back by General Cox, who commanded on the field the troops engaged in this affair beyond the Antietam. The artillery had been well served during the day. Night closed the long and desperately contested battle of the seventeenth. Nearly two hundred thousand men and five hundred pieces of artillery were for fourteen hours engaged in this memorable battle. We had attacked the enemy in a position selected by the experienced engineer then in person directing their operations. We had driven them from their line on one flank, and secured a footing within it on the other. The army of the Potomac, notwithstanding the moral effect incident to previous reverses, had achieved a victory over an adversary invested with the prestige of recent success. Our soldiers slept that night conquerors on a field won by their valor and covered with the dead and wounded of the enemy.

The night, however, brought with it grave responsibilities. Whether to renew the attack on the eighteenth, or to defer it, even with the risk of the enemy's retirement, was the question before me.

After a night of anxious deliberation and a full and careful survey of the situation and condition of our army, the strength and position of the enemy, I concluded that the success of an attack on the eighteenth was not certain. I am aware of the fact that, under ordinary circumstances a general is expected to risk a battle if he has a reasonable prospect of success; but at this critical juncture I should have had a narrow view of the condition of the country had I been willing to hazard another battle with less than an absolute assurance of success. At that moment—Virginia lost, Washington menaced, Maryland invaded—

the National cause could afford no risks of defeat. One battle lost, and almost all would have been lost. Lee's army might then have marched as it pleased, on Washington, Baltimore, Philadelphia, or New-York. It could have levied its supplies from a fertile and undevastated country; extorted tribute from wealthy and populous cities; and nowhere east of the Alleghanies was there another organized force able to arrest its march.

The following are among the considerations which led me to doubt the certainty of success in attacking before the nineteenth:

The troops were greatly overcome by the fatigue and exhaustion attendant upon the long-continued and severely contested battle of the seventeenth, together with the long day and night marches to which they had been subjected during the previous three days.

The supply-trains were in the rear, and many of the troops had suffered from hunger. They required rest and refreshment.

One division of Sumner's and all of Hooker's corps, on the right, had, after fighting most valiantly for several hours, been overpowered by numbers, driven back in great disorder, and much scattered, so that they were for the time somewhat demoralized.

In Hooker's corps, according to the return made by General Meade, commanding, there were but six thousand seven hundred and twenty-nine men present on the eighteenth; whereas, on the morning of the twenty-second, there were thirteen thousand and ninety-three men present for duty in the same corps, showing that previous to and during the battle six thousand three hundred and sixty-four men were separated from their command.

General Meade, in an official communication upon this subject, dated September eighteenth, 1862, says:

"I inclose a field-return of the corps made this afternoon, which I desire you will lay before the Commanding General. I am satisfied the great reduction in the corps since the recent engagements is not due solely to the casualties of battle, and that a considerable number of men are still in the rear, some having dropped out on the march, and many dispersing and leaving yesterday during the fight. I think the efficiency of the corps, so far as it goes, good. To resist an attack in our present strong position I think they may be depended on, and I hope they will perform duty in case we make an attack, though I do not think their *morale* is as good for an offensive as a defensive movement."

One division of Sumner's corps had also been overpowered, and was a good deal scattered and demoralized. It was not deemed by its corps commander in proper condition to attack the enemy vigorously the next day.

Some of the new troops on the left, although many of them fought well during the battle, and are entitled to great credit, were, at the close of the action, driven back, and their *morale* impaired.

On the morning of the eighteenth, General

Burnside requested me to send him another division to assist in holding his position on the other side of the Antietam, and to enable him to withdraw his corps if he should be attacked by a superior force. He gave me the impression that if he were attacked again that morning he would not be able to make a very vigorous resistance. I visited his position early, determined to send General Morell's division to his aid, and directed that it should be placed on this side of the Antietam, in order that it might cover the retreat of his own corps from the other side of the Antietam, should that become necessary, at the same time it was in position to reinforce our centre or right, if that were needed.

Late in the afternoon I found that, although he had not been attacked, General Burnside had withdrawn his own corps to this side of the Antietam, and sent over Morell's division alone to hold the opposite side.

A large number of our heaviest and most efficient batteries had consumed all their ammunition on the sixteenth and seventeenth, and it was impossible to supply them until late on the following day.

Supplies of provisions and forage had to be brought up and issued, and infantry ammunition distributed.

Finally, reinforcements to the number of fourteen thousand men—to say nothing of troops expected from Pennsylvania—had not arrived, but were expected during the day.

The eighteenth was, therefore, spent in collecting the dispersed, giving rest to the fatigued, removing the wounded, burying the dead, and the necessary preparations for a renewal of the battle.

Of the reinforcements, Couch's division, marching with commendable rapidity, came up into position at a late hour in the morning. Humphrey's division of new troops, in their anxiety to participate in the battle which was raging, when they received the order to march from Frederick at about half-past three p.m., on the seventeenth, pressed forward during the entire night, and the mass of the division reached the army during the following morning. Having marched more than twenty-three miles after half-past four o'clock on the preceding afternoon, they were, of course, greatly exhausted, and needed rest and refreshment. Large reinforcements expected from Pennsylvania never arrived. During the eighteenth, orders were given for a renewal of the attack at daylight on the nineteenth.

On the night of the eighteenth the enemy, after passing troops in the latter part of the day from the Virginia shore to their position behind Sharpsburgh, as seen by our officers, suddenly formed the design of abandoning their position, and retreating across the river. As their line was but a short distance from the river, the evacuation presented but little difficulty, and was effected before daylight.

About two thousand seven hundred of the enemy's dead were, under the direction of Major Davis, Assistant Inspector-General, counted and buried upon the battle-field of Antietam. A por-

tion of their dead had been previously buried by the enemy. This is conclusive evidence that the enemy sustained much greater loss than we.

Thirteen guns, thirty-nine colors, upward of fifteen thousand stand of small arms, and more than six thousand prisoners, were the trophies which attest the success of our army in the battles of South-Mountain, Crampton's Gap, and Antietam.

Not a single gun or color was lost by our army during these battles. (See table, page 637.)

An estimate of the forces under the confederate General Lee, made up by direction of General Banks, from information obtained by the examination of prisoners, deserters, spies, etc., previous to the battle of Antietam, is as follows:

General T. J. Jackson's corps, ...	24,778 men.
General James Longstreet's corps, ...	23,342 "
General D. H. Hill's Second division, ...	15,525 "
General J. E. B. Stuart, cavalry, ...	6,400 "
General Ransom's and Jenkins's brigade, ...	3,000 "
Forty-six regiments not included in above, ...	18,400 "
Artillery, estimated at four hundred guns, ...	6,000 "
Total, ...	97,445 "

These estimates give the actual number of men present and fit for duty.

Our own forces at the battle of Antietam were as follows:

First corps, ...	14,856 men.
Second corps, ...	18,813 "
Fifth corps, (one division not arrived,)	12,930 "
Sixth corps, ...	12,300 "
Ninth corps, ...	13,819 "
Twelfth corps, ...	10,126 "
Cavalry division, ...	4,320 "

Total in action, ... 87,164 "

When our cavalry advance reached the river on the morning of the nineteenth, it was discovered that nearly all the enemy's forces had crossed into Virginia during the night, their rear escaping under cover of eight batteries, placed in strong positions upon the elevated bluffs on the opposite bank. General Porter, commanding the Fifth corps, ordered a detachment from Griffin's and Barnes's brigades, under General Griffin, to cross the river at dark, and carry the enemy's batteries. This was gallantly done under the fire of the enemy; several guns, caissons, etc., were taken, and their supports driven back half a mile.

The information obtained during the progress of this affair indicated that the mass of the enemy had retreated on the Charlestown and Martinsburgh roads, toward Winchester. To verify this, and to ascertain how far the enemy had retired, General Porter was authorized to detach from his corps, on the morning of the twentieth, a reconnoitring party in greater force. This detachment crossed the river, and advanced about

DOCUMENTS

a mile, when it was attacked by a large body of the enemy lying in ambush in the woods, and driven back across the river with considerable loss. This reconnoissance showed that the enemy was still in force on the Virginia bank of the Potomac, prepared to resist our further advance.

Tabular Report of Casualties in the Army of the Potomac in the Battle of Antietam, on the 16th and 17th of September, 1862.

Corps and Divisions.	General officers.		Other officers.		Enlisted Men.			Aggregate.			Grand aggregate.
	Killed.	Wounded.	Killed.	Wounded.	Killed.	Wounded.	Missing.	Killed.	Wounded.	Missing.	
First corps, Major-General Hooker:											
First division,.....								98	689	95	882
Second division,.....								157	898	187	1182
Third division,.....								97	449	23	569
Total,.....								348	2016	255	2619
Second corps, Major-General Sumner:											
First division,.....	1	20	30	192	860	24		212	900	24	1186
Second division,.....	2			355	1877	821		355	1879	821	2255
Third division,.....	1	21	50	272	1271	208		293	1322	203	1818
Total,.....	4	41	80	819	3708	548		860	3801	548	5209
Fifth corps, Major-General F. J. Porter:											
First division,.....											
Second division,.....			2	18	92	1		13	94	1	108
Artillery reserve,.....			1	7	18	1		8	13	1	22
Total,.....			1	2	20	2		21	107	2	130
Sixth corps, Major-General Franklin:											
First division,.....								5	58	2	65
Second division,.....								65	277	31	373
Total,.....								70	335	33	438
Ninth corps, Major-General Burnside:											
First division,.....		2	20	44	264	7		46	284	7	337
Second division,.....		7	29	121	493	20		125	522	20	670
Third division,.....		8	40	212	743	70		220	783	70	1073
Fourth division,.....		5	7	83	145	23		38	152	23	213
Total,.....			22	96	410	1645	120	432	1741	120	2223
Twelfth corps, (General Banks,) Brig.-Gen. Williams commanding:											
First division,.....		9	35	151	527	54		160	862	54	1076
Second division,.....		6	26	107	481	30		113	507	30	650
Artillery,.....				1	15	1		1	15	1	17
Total,.....			15	61	239	1323	85	274	1384	85	1743
Major-General Couch's division,.....				1		8			9		9
Brig.-Gen. Pleasanton, cavalry division,...								5	23		28
Grand total,.....	4	79	249	1503	6739	755		2010	9416	1043	12,469

HEADQUARTERS ARMY OF THE POTOMAC,
CAMP NEAR SHARPSBURGH, September 29, 1862.
Official.

S. WILLIAMS,
Assistant Adjutant-General.

It was reported to me on the nineteenth that General Stuart had made his appearance at Williamsport with some four thousand cavalry and six pieces of artillery, and that ten thousand infantry were marching on the same point from the direction of Winchester. I ordered General Couch to march at once with his division, and a part of Pleasanton's cavalry, with Franklin's corps, within supporting distance, for the purpose of endeavoring to capture this force. Gen-

eral Couch made a prompt and rapid march to Williamsport, and attacked the enemy vigorously, but they made their escape across the river.

I despatched the following telegraphic report to the General-in-Chief:

HEADQUARTERS ARMY OF THE POTOMAC,
SHARPSBURGH, September 19, 1862.

I have the honor to report that Maryland is entirely freed from the presence of the enemy, who has been driven across the Potomac. No

fears need now be entertained for the safety of Pennsylvania. I shall at once occupy Harper's Ferry.

G. B. McCLELLAN,
Major-General Commanding.

Major-General H. W. HALLECK,
Commanding United States Army.

On the following day I received this telegram:

WASHINGTON, September 20, 1862—2 P.M.

We are still left entirely in the dark in regard to your own movements and those of the enemy. This should not be so. You should keep me advised of both, so far as you know them.

H. W. HALLECK,
General-in-Chief.

Major-General G. B. McCLELLAN.

To which I answered as follows:

HEADQUARTERS ARMY OF THE POTOMAC, }
NEAR SHARPSBURGH, September 20, 1862—3 P.M. }

Your telegram of to-day is received. I telegraphed you yesterday all I knew, and had nothing more to inform you of until this evening. Williams's corps (Banks's) occupied Maryland Heights at one P.M. to day. The rest of the army is near here, except Couch's division, which is at this moment engaged with the enemy in front of Williamsport; the enemy is retiring *via* Charlestown and Martinsburgh, on Winchester. He last night reoccupied Williamsport by a small force, but will be out of it by morning. I think he has a force of infantry near Shepherdstown.

I regret that you find it necessary to couch every despatch I have the honor to receive from you in a spirit of fault-finding, and that you have not yet found leisure to say one word in commendation of the recent achievements of this army, or even to allude to them.

I have abstained from giving the number of guns, colors, small arms, prisoners, etc., captured, until I could do so with some accuracy. I hope by to-morrow evening to be able to give at least an approximate statement.

G. B. McCLELLAN,
Major-General Commanding.

Major-General HALLECK,
General-in-Chief, Washington.

On the same day I telegraphed as follows:

HEADQUARTERS ARMY OF THE POTOMAC, }
September 20, 1862. }

As the rebel army, now on the Virginia side of the Potomac, must in a great measure be dependent for supplies of ammunition and provisions upon Richmond, I would respectfully suggest that General Banks be directed to send out a cavalry force to cut their supply communication opposite Washington. This would seriously embarrass their operations, and will aid this army materially.

G. B. McCLELLAN,
Major-General Commanding.

Major-General H. W. HALLECK,
Commanding United States Army.

Maryland Heights were occupied by General Williams's corps on this day, and on the twenty-second General Sumner took possession of Harper's Ferry

It will be remembered that at the time I was assigned to the command of the forces for the defence of the national capital, on the second day of September, 1862, the greater part of all the available troops were suffering under the disheartening influences of the serious defeat they had encountered during the brief and unfortunate campaign of General Pope. Their numbers were greatly reduced by casualties, their confidence was much shaken, and they had lost something of that "*esprit du corps*," which is indispensable to the efficiency of an army. Moreover, they had left behind, lost, or worn out, the greatest part of their clothing and camp equipment, which required renewal before they could be in proper condition to take the field again.

The intelligence that the enemy was crossing the Potomac into Maryland was received in Washington on the fourth of September, and the army of the Potomac was again put in motion, under my direction, on the following day, so that but a very brief interval of time was allowed to reorganize or procure supplies.

The sanguinary battles of South-Mountain and Antietam fought by this army a few days afterward, with the reconnoissances immediately following, resulted in a loss to us of ten general officers, many regimental and company officers, and a large number of enlisted men, amounting in the aggregate to fifteen thousand two hundred and twenty, (15,220.) Two army corps had been sadly cut up, scattered, and somewhat demoralized in the action on the seventeenth.

In General Sumner's corps alone, forty-one (41) commissioned officers and eight hundred and nineteen (819) enlisted men had been killed; four (4) general officers, eighty-nine (89) other commissioned officers, and three thousand seven hundred and eight (3708) enlisted men had been wounded, beside five hundred and forty-eight (548) missing; making the aggregate loss in this splendid veteran corps, in this one battle, five thousand two hundred and nine, (5209.)

In General Hooker's corps the casualties of the same engagement amounted to two thousand six hundred and nineteen, (2619.)

The entire army had been greatly exhausted by unavoidable overwork, fatiguing marches, hunger, and want of sleep and rest, previous to the last battle.

When the enemy recrossed the Potomac into Virginia the means of transportation at my disposal were inadequate to furnish a single day's supply of subsistence in advance.

Many of the troops were new levies, some of whom had fought like veterans, but the morale of others had been a good deal impaired in those severely contested actions, and they required time to recover as well as to acquire the necessary drill and discipline.

Under these circumstances I did not feel authorized to cross the river with the main army over a very deep and difficult ford in pursuit of the retreating enemy, known to be in strong force on the south bank, and thereby place that stream, which was liable at any time to rise above a ford

ing stage, between my army and its base of supply.

I telegraphed on the twenty-second to the General-in-Chief as follows:

"As soon as the exigencies of the service will admit of it, this army should be reorganized. It is absolutely necessary, to secure its efficiency, that the old skeleton regiments should be filled up at once, and officers appointed to supply the numerous existing vacancies. There are instances where captains are commanding regiments, and companies are without a single commissioned officer."

On the twenty-third the following was telegraphed to the General-in-Chief:

HEADQUARTERS ARMY OF THE POTOMAC,
NEAR SHEPHERDSTOWN,
September 23, 1862—9.30 A.M.

From several different sources I learn that General R. E. Lee is still opposite to my position at Leestown, between Shepherdstown and Martinsburgh, and that General Jackson is on the Opequan Creek, about three miles above its mouth, both with large forces. There are also indications of heavy reinforcements moving toward them from Winchester and Charlestown. I have therefore ordered General Franklin to take position with his corps at the cross-roads about one mile north-east of Bakersville, on the Bakersville and Williamsport Road, and General Couch to establish his division near Downsville, leaving sufficient force at Williamsport to watch and guard the ford at that place. The fact of the enemy's remaining so long in our front, and the indications of an advance of reinforcements, seem to indicate that he will give us another battle with all his available force.

As I mentioned to you before, our army has been very much reduced by casualties in the recent battles, and in my judgment all the reinforcements of old troops that can possibly be dispensed with around Washington and other places should be instantly pushed forward by rail to this army. A defeat at this juncture would be ruinous to our cause. I cannot think it possible that the enemy will bring any forces to bear upon Washington till after the question is decided here; but if he should, troops can soon be sent back from this army by rail to reinforce the garrison there.

The evidence I have that reinforcements are coming to the rebel army consists in the fact that long columns of dust extending from Winchester to Charlestown and from Charlestown in this direction, and also troops moving this way, were seen last evening. This is corroborated by citizens. General Sumner with his corps and Williams's (Banks's) occupies Harper's Ferry and the surrounding heights. I think he will be able to hold his position till reinforcements arrive.

G. B. McCLELLAN,
Major-General.

Major-General HALLECK,
General-in-Chief, Washington.

On the twenty-seventh I made the following report:

HEADQUARTERS ARMY OF THE POTOMAC,
September 27, 1862—10 A.M.

All the information in my possession goes to prove that the main body of the enemy is concentrated not far from Martinsburgh, with some troops at Charlestown; not many in Winchester. Their movements of late have been an extension toward our right and beyond it. They are receiving reinforcements in Winchester, mainly, I think, of conscripts—perhaps entirely so.

This army is not now in condition to undertake another campaign, nor to bring on another battle, unless great advantages are offered by some mistake of the enemy, or pressing military exigencies render it necessary. We are greatly deficient in officers. Many of the old regiments are reduced to mere skeletons. The new regiments need instruction. Not a day should be lost in filling the old regiments—our main dependence—and in supplying vacancies among the officers by promotion.

My present purpose is to hold the army about as it is now, rendering Harper's Ferry secure, and watching the river closely, intending to attack the enemy should he attempt to cross to this side.

Our possession of Harper's Ferry gives us the great advantage of a secure debouché, but we cannot avail ourselves of it until the railroad bridge is finished, because we cannot otherwise supply a greater number of troops than we now have on the Virginia side at that point. When the river rises so that the enemy cannot cross in force, I purpose concentrating the army somewhere near Harper's Ferry, and then acting according to circumstances, namely, moving on Winchester, if from the position and attitude of the enemy we are likely to gain a great advantage by doing so, or else devoting a reasonable time to the organization of the army and instruction of the new troops, preparatory to an advance on whatever line may be determined. In any event, I regard it as absolutely necessary to send new regiments at once to the old corps, for purposes of instruction, and that the old regiments be filled at once. I have no fears as to an attack on Washington by the line of Manassas. Holding Harper's Ferry as I do, they will not run the risk of an attack on their flank and rear while they have the garrison of Washington in their front.

I rather apprehend a renewal of the attempt in Maryland should the river remain low for a great length of time, and should they receive considerable addition to their force. I would be glad to have Peck's division as soon as possible. I am surprised that Sigel's men should have been sent to Western Virginia without my knowledge. The last I heard from you on the subject was that they were at my disposition. In the last battles the enemy was undoubtedly greatly superior to us in number, and it was only by very hard fighting that we gained the advantage we did. As it was, the result was at one period very doubtful, and we had all we could do to win the day. If the enemy receives considerable re-

enforcements and we none, it is possible that I may have too much on my hands in the next battle. My own view of the proper policy to be pursued is to retain in Washington merely the force necessary to garrison it, and to send every thing else available to reinforce this army. The railways give us the means of promptly reinforcing Washington should it become necessary. If I am reinforced, as I ask, and am allowed to take my own course, I will hold myself responsible for the safety of Washington. Several persons recently from Richmond say that there are no troops there except conscripts, and they few in number. I hope to give you details as to late battles by this evening. I am about starting again for Harper's Ferry. G. B. McCLELLAN, Major-General Commanding.

Major-General HALLECK,
General-in-Chief, Washington.

The work of reorganizing, drilling, and supplying the army I began at the earliest moment. The different corps were stationed along the river in the best positions to cover and guard the fords. The great extent of the river-front from near Washington to Cumberland, (some one hundred and fifty miles,) together with the line of the Baltimore and Ohio Railroad, was to be carefully watched and guarded, to prevent, if possible, the enemy's raids. Reconnoissances upon the Virginia side of the river, for the purpose of learning the enemy's positions and movements, were made frequently, so that our cavalry, which from the time we left Washington had performed the most laborious service, and had from the commencement been deficient in numbers, was found totally inadequate to the requirements of the army.

This overwork has broken down the greater part of the horses; disease had appeared among them, and but a very small portion of our original cavalry force was fit for service.

To such an extent had this arm become reduced, that when General Stuart made his raid into Pennsylvania on the eleventh of October with two thousand men, I could only mount eight hundred men to follow him.

Harper's Ferry was occupied on the twenty-second, and in order to prevent a catastrophe similar to the one which had happened to Colonel Miles, I immediately ordered Maryland, Bolivar, and Loudon Heights to be strongly fortified. This was done as far as the time and means at our disposal permitted.

The main army of the enemy, during this time, remained in the vicinity of Martinsburgh and Bunker Hill, and occupied itself in drafting and coercing every able-bodied citizen into the ranks, forcibly taking their property, where it was not voluntarily offered, burning bridges, and destroying railroads.

On the first day of October, His Excellency the President honored the army of the Potomac with a visit and remained several days, during which he went through the different encampments, reviewed the troops, and went over the battle-fields of South-Mountain and Antietam. I had the opportunity during this visit to describe to

him the operations of the army since the time it left Washington, and gave him my reasons for not following the enemy after he crossed the Potomac.

On the fifth of October, the division of General Cox (about five thousand men) was ordered from my command to Western Virginia.

On the seventh of October I received the following telegram:

WASHINGTON, D. C., October 6, 1862.

I am instructed to telegraph you as follows: The President directs that you cross the Potomac and give battle to the enemy, or drive him south. Your army must move now, while the roads are good. If you cross the river between the enemy and Washington, and cover the latter by your operation, you can be reinforced with thirty thousand men. If you move up the valley of the Shenandoah, not more than twelve or fifteen thousand can be sent you. The President advises the interior line between Washington and the enemy, but does not order it. He is very desirous that your army move as soon as possible. You will immediately report what line you adopt, and when you intend to cross the river; also to what point the reinforcements are to be sent. It is necessary that the plan of your operations be positively determined on, before orders are given for building bridges and repairing railroads. I am directed to add, that the Secretary of War and the General-in-Chief fully concur with the President in these instructions.

H. W. HALLECK,
Major-General McCLELLAN, General-in-Chief.

At this time General Averill, with the greater part of our efficient cavalry, was in the vicinity of Cumberland, and General Kelly, the commanding officer, had that day reported that a large force of the enemy was advancing on Colonel Campbell, at Saint John's River. This obliged me to order General Averill to proceed with his force to the support of Colonel Campbell, which delayed his return to the army for several days.

On the tenth of October, Stuart crossed the river at McCoy's Ferry, with two thousand cavalry and a battery of horse artillery, on his raid into Maryland and Pennsylvania, making it necessary to use our cavalry against him. This exhausting service completely broke down nearly all of our cavalry horses, and rendered a remount absolutely indispensable before we could advance on the enemy.

The following were the dispositions of troops made by me to defeat the purposes of this raid:

General Averill, then at Green Spring, on the Upper Potomac, was ordered to move rapidly down upon the north side of the river, with all his disposable cavalry, using every exertion to get upon the trail of the enemy, and follow it up vigorously.

General Pleasanton, with the remaining cavalry force, was ordered to take the road by Cavetown, Harmon's Gap, and Mechanicsville, and cut off the retreat of the enemy should he make for any of the fords below the position of the

main army. His orders were to pursue them with the utmost rapidity, not to spare his men or horses, and to destroy or capture them if possible.

General Crook, at that time commanding Cox's division, at Hancock, *en route* for Western Virginia, was ordered to halt, place his men in cars, and remain in readiness to move to any point above should the enemy return in that direction, keeping his scouts well out on all the roads leading from the direction of Chambersburgh to the Upper Potomac.

The other commanders between Hancock and Harper's Ferry were instructed to keep a vigilant watch upon all the roads and fords, so as to prevent the escape of the rebels within these limits.

General Burnside was ordered to send two brigades to the Monocacy Crossing, there to remain in cars, with steam up, ready to move to any point on the railroad to which Stuart might be aiming, while Colonel Rush, at Frederick, was directed to keep his lancers scouting on the approaches from Chambersburgh, so as to give timely notice to the commander of the two brigades at the Monocacy Crossing.

General Stoneman, whose headquarters were then at Poolesville, occupying with his division the different fords on the river below the mouth of the Monocacy, was directed to keep his cavalry well out on the approaches from the direction of Frederick, so as to give him time to mass his troops at any point where the enemy might attempt to cross the Potomac in his vicinity. He was informed of General Pleasanton's movements.

After the orders were given for covering all the fords upon the river, I did not think it possible for Stuart to recross, and I believed that the capture or destruction of his entire force was perfectly certain; but owing to the fact that my orders were not in all cases carried out as I expected, he effected his escape into Virginia without much loss.

The troops sent by General Burnside to the Monocacy, owing to some neglect in not giving the necessary orders to the commander, instead of remaining at the railroad crossing, as I directed, marched four miles into Frederick, and there remained until after Stuart had passed the railroad, only six miles below, near which point it was said he halted for breakfast.

General Pleasanton ascertained, after his arrival at Mechanicsville, that the enemy were only about an hour ahead of him, beating a hasty retreat toward the mouth of the Monocacy. He pushed on vigorously, and, near its mouth, overtook them with a part of his force, having marched seventy-eight miles in twenty-four hours, and having left many of his horses broken down upon the road. He at once attacked with his artillery, and the firing continued for several hours, during which time he states that he received the support of a small portion of General Stoneman's command, not sufficient to inflict any material damage upon the enemy.

General Stoneman reports that, in accordance

with his instructions, he gave all necessary orders for intercepting the return of the rebels, and Colonel Staples, commanding one of his brigades, states that he sent two regiments of infantry to the mouth of the Monocacy, and one regiment to White's Ford; that on the morning of the twelfth, about ten o'clock, he, by General Stoneman's order, marched the remaining three regiments of his command from Poolesville toward the mouth of the Monocacy; that before getting into action he was relieved by General Ward, who states that he reported to General Pleasanton with his command, while the enemy was crossing the river, and was informed by him (General Pleasanton) that he was too late, and nothing could be done then.

General Pleasanton, in his report of this affair, says: "It was at this time that Colonel Ward reported to me from General Stoneman's division, with a brigade of infantry, a regiment of cavalry, and a section of artillery. I told him that his command could be of no use, as the enemy had then crossed the river. These are the only troops, that I knew of, that were in that vicinity, and this was the first intimation I received that any troops were endeavoring to assist me in capturing the rebels. I succeeded in preventing the enemy from crossing at the mouth of the Monocacy, and drove him to White's Ford, three miles below. Had White's Ford been occupied by any force of ours previous to the time of the occupation by the enemy, the capture of Stuart's whole force would have been certain and inevitable. With my small force, which did not exceed one fourth of the enemy's, it was not practicable for me to occupy that ford while the enemy was in front."

It would seem from the report of General Stoneman, that the disposition he made of his troops, previous to the arrival of Stuart, was a good one. He stationed two regiments at the mouth of the Monocacy, and two regiments at White's Ford, the latter in the very place where the crossing was made, and the former only three miles off, with a reserve of three regiments at Poolesville, some six miles distant. General Pleasanton's report shows that from the time the firing commenced until the enemy were across the river was about four and a half hours. General Stoneman states that he started the reserve from Poolesville at about nine o'clock, but it appears, from the report of General Pleasanton, that it did not reach him until half-past one.

At the time I received the order of October sixth, to cross the river and attack the enemy, the army was wholly deficient in cavalry, and a large part of our troops were in want of shoes, blankets, and other indispensable articles of clothing, notwithstanding all the efforts that had been made since the battle of Antietam, and even prior to that date, to refit the army with clothing, as well as horses. I at once consulted with Colonel Ingalls, the Chief Quartermaster, who believed that the necessary articles could be supplied in about three days. Orders were immediately issued to the different commanders who had not already

sent in their requisitions, to do so at once, and all the necessary steps were forthwith taken by me to insure a prompt delivery of the supplies. The requisitions were forwarded to the proper department at Washington, and I expected that the articles would reach our depots during the three days specified; but day after day elapsed, and only a small portion of the clothing arrived. Corps commanders, upon receiving notice from the quartermasters that they might expect to receive their supplies at certain dates, sent the trains for them, which, after waiting, were compelled to return empty. Several instances occurred where these trains went back and forth from the camps to the depots, as often as four or five different times, without receiving their supplies, and I was informed by one corps commander that his wagon train had travelled over one hundred and fifty miles, to and from the depots, before he succeeded in obtaining his clothing.

The corps of General Franklin did not get its clothing until after it had crossed the Potomac, and was moving into Virginia. General Reynolds's corps was delayed a day at Berlin, to complete its supplies, and General Porter only completed his on reaching the vicinity of Harper's Ferry.

I made every exertion in my power, and my quartermasters did the same, to have these supplies hurried forward rapidly; and I was repeatedly told that they had filled the requisitions at Washington, and that the supplies had been forwarded. But they did not come to us, and of course were inaccessible to the army. I did not fail to make frequent representation of this condition of things to the General-in-Chief, and it appears that he referred the matter to the Quartermaster-General, who constantly replied that the supplies had been promptly ordered. Notwithstanding this, they did not reach our depots.

The following extracts are from telegrams upon this subject:

HEADQUARTERS ARMY OF THE POTOMAC, }
October 11, 1862—9 A.M. }

We have been making every effort to get supplies of clothing for this army, and Colonel Ingalls has received advices that it has been forwarded by railroad; but, owing to bad management on the roads, or from some other cause, it comes in very slowly, and it will take a much longer time than was anticipated to get articles that are absolutely indispensable to the army, unless the railroad managers forward supplies more rapidly.

GEORGE B. McCLELLAN.

Major-General.

Major-General H. W. HALLECK,
General-in-Chief, Washington.

HEADQUARTERS ARMY OF THE POTOMAC, }
October 11, 1862. }

I am compelled again to call your attention to the great deficiency of shoes, and other indispensable articles of clothing, that still exist in some of the corps in this army. Upon the assurances of the Chief Quartermaster, who based

his calculation upon information received from Washington, that clothing would be forwarded at certain times, corps commanders sent their wagons to Hagerstown and Harper's Ferry for it. It did not arrive as promised, and has not yet arrived. Unless some measures are taken to insure the prompt forwarding of these supplies, there will necessarily be a corresponding delay in getting the army ready to move, as the men cannot march without shoes. Every thing has been done that can be done at these headquarters to accomplish the desired result.

GEORGE B. McCLELLAN,
Major-General Commanding.

Major-General H. W. HALLECK,
Commander-in-Chief, Washington.

HEADQUARTERS ARMY OF THE POTOMAC, }
October 15, 1862—7 P.M. }

I am using every possible exertion to get this army ready to move. It was only yesterday that a part of our shoes and clothing arrived at Hagerstown. It is being issued to the troops as rapidly as possible. GEORGE B. McCLELLAN,

Major-General.

Major-General H. W. HALLECK,
General-in-Chief.

HEADQUARTERS ARMY OF THE POTOMAC, }
October 15, 1862—7.30 P.M. }

General Franklin reports that there is by no means as much clothing as was called for at Hagerstown. I think, therefore, you had better have additional supplies, especially of shoes, forwarded to Harper's Ferry as soon as possible.

R. B. MARCY,
Chief of Staff.

Colonel R. INGALLS,
Care of Colonel Rucker, Quartermaster, Washington.

HEADQUARTERS ARMY OF THE POTOMAC, }
October 16, 1862. }

General J. F. Reynolds just telegraphs as follows: "My quartermaster reports that there are no shoes, tents, blankets, or knapsacks at Hagerstown. He was able to procure only a complete supply of overcoats and pants, with a few socks, drawers, and coats. This leaves many of the men yet without a shoe. My requisitions call for five thousand two hundred and fifty-five pairs of shoes."

Please push the shoes and stockings up to Harper's Ferry as fast as possible.

R. B. MARCY,
Chief of Staff.

Colonel R. INGALLS,
Care of Colonel Rucker, Quartermaster, Washington.

HEADQUARTERS ARMY OF THE POTOMAC, }
CAMP NEAR KNOXVILLE, MARYLAND, October 9, 1862. }

You did right in sending clothing to Harper's Ferry. You will not be able to send too much or too quickly. We want blankets, shoes, canteens, etc., very much. RUFUS INGALLS,

Lieutenant-Colonel and Aid-de-Camp, Chief Quartermaster.
Colonel C. G. SAWTELLE,
Depot Quartermaster, Washington.

HEADQUARTERS ARMY OF THE POTOMAC, }
CAMP NEAR KNOXVILLE, MARYLAND, October 10, 1862. }

Shipments to Hagerstown must be made direct through, to avoid the contemptible delays at Har-

risburgh. If Colonel Crosman was ordered to send clothing, I hope he has sent it, for the suffering and impatience are excessive.

RUFUS INGALLS,
Lieutenant-Colonel and Aid-de-Camp, Chief Quartermaster.
Captain AUGUSTUS BOYD,
Quartermaster, Philadelphia.

HEADQUARTERS ARMY OF THE POTOMAC, }
CAMP NEAR KNOXVILLE, October 13, 1862. }

Has the clothing arrived yet? If not, do you know where it is? What clothing was taken by the rebels at Chambersburgh? Did they capture any property that was *en route* to you? Have we not got clothing at Harrisburgh? Send an agent over the road to obtain information, and hurry up the supplies. Reply at once,

RUFUS INGALLS,
Lieutenant-Colonel and Aid-de-Camp, Chief Quartermaster.
Captain GEORGE W. WEEKS,
Depot Quartermaster, Hagerstown.

SHARPSBURGH, October 15, 1862.

I have just returned from Hagerstown, where I have been for the clothing for the corps. There was nothing there but overcoats, trousers, and a few uniform coats and socks. There were not any shoes, blankets, shirts, or shelter-tents. Will you please tell me where and when the balance can be had? Shall I send to Harper's Ferry for them to-morrow? The corps surgeon has just made a requisition for forty-five hospital-tents. There are none at Hagerstown. Will you please to inform me if I can get them at Harper's Ferry?

FIELDING LOWRY,
General INGALLS, Captain and Quartermaster

HAGERSTOWN, October 15, 1862.

I want at least ten thousand (10,000) suits of clothing in addition to what I have received. It should be here now.

G. W. WEEKS,
General INGALLS, Assistant Quartermaster.
Quartermaster.

HARPER'S FERRY, October 22, 1862.

We have bootees, twelve thousand; great-coats, four thousand; drawers and shirts are gone; blankets and stockings nearly so; fifteen thousand each of these four articles are wanted.

ALEX. BLISS,
General INGALLS, Captain and Assistant Quartermaster.
Chief Quartermaster, etc.

McCLELLAN'S HEADQUARTERS, }
October 24, 1862—11 A.M. }

Please send to Captain Bliss, at Harper's Ferry, ten thousand blankets, twelve thousand caps, five thousand overcoats, ten thousand pairs boot-ees, two thousand pairs artillery and cavalry boots, fifteen thousand pairs stockings, fifteen thousand drawers, and fifteen thousand pants. The clothing arrives slowly. Can it not be hurried along faster? May I ask you to obtain authority for this shipment?

RUFUS INGALLS,
Lieutenant-Colonel and Aid-de-Camp, Chief Quartermaster.
Captain D. G. THOMAS,
Military Storekeeper, Washington.

HAGERSTOWN, October 30.

Clothing has arrived this morning. None taken by rebels. Shall I supply Franklin, and retain

portions for Porter and Reynolds until called for?

G. W. WEEKS,
Captain and Assistant Quartermaster.

Colonel INGALLS.

The following statement, taken from a report of the Chief Quartermaster with the army, will show what progress was made in supplying the army with clothing from the first of September to the date of crossing the Potomac on the thirty-first of October, and that a greater part of the clothing did not reach our depots until after the fourteenth of October: (See table, page 644.)

Colonel Ingalls, Chief Quartermaster, in his report upon this subject, says:

"There was great delay in receiving our clothing. The orders were promptly given by me and approved by General Meigs, but the roads were slow to transport, particularly the Cumberland Valley road.

"For instance, clothing ordered to Hagerstown on the seventh October for the corps of Franklin, Porter, and Reynolds, did not arrive until about the eighteenth, and by that time, of course, there were increased wants and changes in position of troops. The clothing of Sumner arrived in great quantities near the last of October, almost too late for issue, as the army was crossing into Virginia. We finally left fifty thousand suits at Harper's Ferry, *partly on the cars just arrived, and partly in store.*"

The causes of the reduction of our cavalry force have already been recited. The difficulty in getting new supplies from the usual sources led me to apply for and obtain authority for the cavalry and artillery officers to purchase their own horses. The following are the telegrams and letters on this subject:

HEADQUARTERS ARMY OF THE POTOMAC, }
October 12, 1862—12.45 P.M. }

It is absolutely necessary that some energetic means be taken to supply the cavalry of this army with remount horses. The present rate of supply is (1050) one thousand and fifty per week for the entire army here and in front of Washington. From this number the artillery draw for their batteries.

GEORGE B. McCLELLAN,
Major-General Commanding.

Major-General HALLECK,
General-in-Chief.

The General-in-Chief, in a letter to me dated Washington, D. C., October fourteenth, 1862, replies to this despatch in the following language:

"I have caused the matters complained of in your telegrams of the eleventh and twelfth to be investigated.

"In regard to horses, you say that the present rate of supply is only one hundred and fifty per week for the entire army here and in front of Washington. I find from the records that the issues for the last six weeks have been eight thousand seven hundred and fifty-four, making an average per week of one thousand four hundred and fifty-nine.

"One thousand and fifty (1050) is the number

stated in the original despatch, now in my possession; and as not only figures were used, but the number was written out in full, I can hardly

see how it is possible for the telegraphic operator to have made a mistake in the transmission of the message.

Statement of Clothing and Equipage received at the different depots of the Army of the Potomac, from September 1, 1862, to October 31, 1862.

Received at the depot—	Drawers.	Forage-caps.	Sockings.	Sack-coats.	Cavalry jackets.	Canteens.	Woolen shirts.	Haversacks.	Trowsers, (mounted.)	Boots.	Shoe-brushes.
From September 1 to October 6,....	10,700	4,000	6,200	4,190	3,000	6,000	6,200	6,000	4,200	4,300	11,100
From October 6 to October 15,.....	17,000	11,000	22,025	.....	500	10,221	18,325	12,989	1,000	6,000	2,000
From October 15 to October 25,.....	40,000	19,500	65,200	.....	1,250	9,000	15,876	5,000	2,500	8,000	2,000
From October 25 to October 31,.....	80,000	.....	80,000	.....	1,500	8,008	2,200	9,900	8,000	20,040	.....
Total,.....	97,700	34,500	128,425	4,190	6,250	28,229	45,301	33,889	12,700	33,340	23,100

Statement of Clothing and Equipage received, etc.—Continued.

Received at the depot—	Camp-kettles.	Mess-pans.	Overcoats, (foot.)	Artillery jackets.	Blankets.	Overcoats, (mounted.)	Felt hats.	Infantry coats.	Trowsers, (foot.)	Boots.	Knit shirts.
From September 1 to October 6,...	799	2,080	3,500	1,200	90	1,900	2,200	2,000	2,000	2,000	.....
From October 6 to October 15,.....	1,802	2,100	12,000	500	.....	875	7,000	12,060	9,500	7,000	2,655
From October 15 to October 25,.....	1,894	4,500	14,770	1,750	6,900	8,500	.....	22,500	29,620	52,900	2,434
From October 25 to October 31,.....	.....	.....	.....	1,800	4,854	2,015	.....	7,500	25,000	.....	11,295
Total,.....	8,995	8,680	30,270	4,450	10,904	7,590	9,200	44,060	76,120	61,900	16,674

HEADQUARTERS ARMY OF THE POTOMAC, }
October 14, 1862—7 P.M. }

With my small cavalry force it is impossible for me to watch the line of the Potomac properly, or even make the reconnaissances that are necessary for our movements. This makes it necessary for me to weaken my line very much, by extending the infantry to guard the innumerable fords. This will continue until the river rises, and it will be next to impossible to prevent the rebel cavalry raids. My cavalry force, as I urged this morning, should be largely and immediately increased, under any hypothesis, whether to guard the river, or advance on the enemy, or both.

GEORGE B. McCLELLAN,
Major-General.

Major-General H. W. HALLECK,
Commander-in-Chief.

The following is an extract from the official report of Colonel Ingalls:

"Immediately after the battle of Antietam efforts were made to supply deficiencies in clothing and horses. Large requisitions were prepared and sent in. The artillery and cavalry required large numbers to cover losses sustained in battle, on

the march, and by diseases. Both of these arms were deficient when they left Washington. A most violent and destructive disease made its appearance at this time, which put nearly four thousand animals out of service. Horses reported perfectly well one day would be dead lame the next, and it was difficult to foresee where it would end, or what number would cover the loss. They were attacked in the hoof and tongue. No one seemed able to account for the appearance of this disease. Animals kept at rest would recover in time, but *could not be worked*. I made application to send West and purchase horses at once, but it was refused, on the ground that the outstanding contracts provided for enough, *but they were not delivered sufficiently fast*, nor in sufficient numbers, until late in October and early in November. I was authorized to buy two thousand five hundred late in October, but the delivery was not completed until in November, after we had reached Warrenton."

In a letter from General Meigs, written on the fourteenth of October, and addressed to the General-in-Chief, it is stated: "There have been issued, therefore, to the army of the Potomac, since the battles in front of Washington, to replace

losses, (9254) nine thousand two hundred and fifty-four horses."

What number of horses were sent to General Pope before his return to Washington, I have no means of determining; but the following statement made upon my order, by the Chief Quartermaster with the army, and who had means for gaining accurate information, force upon my mind the conclusion that the Quartermaster-General was in error:

HEADQUARTERS ARMY OF THE POTOMAC,
CHIEF QUARTERMASTER'S OFFICE,
October 31, 1862. }

Horses purchased since September sixth, 1862, by Colonel Ingalls, Chief Quartermaster, and issued to the forces under the immediate command of Major-General George B. McClellan,.....1200
Issued and turned over to the above force by Captain J. J. Dana, Assistant Quartermaster, (in Washington,).....2261
Issued to forces at and near Washington which have since joined the command,.. 852

Total purchased by Colonel Ingalls and issued and turned over by Captain Dana to the forces in this immediate command,...3813
Issued by Captain J. J. Dana, Assistant Quartermaster, to the forces in the vicinity of Washington,.....3363

Grand total purchased by Colonel R. Ingalls, Chief Quartermaster, and issued and turned over by Captain J. J. Dana, Assistant Quartermaster, to the entire army of the Potomac and the forces around Washington,.....7176

About three thousand horses have been turned over to the Quartermaster's department by officers as unfit for service; nearly one thousand five hundred should now be turned over also, being worn out and diseased.

Respectfully submitted. FRED. MYERS,
Lieutenant-Colonel and Quartermaster.

This official statement, made up from the reports of the quartermasters who received and distributed the horses, exhibits the true state of the case, and gives the total number of horses received by the army of the Potomac, and the troops around Washington, during a period of eight weeks as (7176) seven thousand one hundred and seventy-six, or (2078) two thousand and seventy-eight less than the number stated by the Quartermaster-General.

Supposing that (1500) one thousand five hundred were issued to the army under General Pope previous to its return to Washington, as General Meigs states, there would still remain (578) five hundred and seventy-eight horses which he does not account for.

The letter of the General-in-Chief to the Secretary of War on the twenty-eighth of October, and the letter of General Meigs to the General-in-Chief on the fourteenth of October, convey the impression that, upon my repeated applica-

tions for cavalry and artillery horses for the army of the Potomac, I had received a much greater number than was really the case.

It will be seen from Colonel Myers's report that, of all the horses alluded to by General Meigs, only (3813) three thousand eight hundred and thirteen came to the army with which I was ordered to follow and attack the enemy. Of course the remainder did not in the slightest degree contribute to the efficiency of the cavalry or artillery of the army with which I was to cross the river. Neither did they in the least facilitate any preparations for carrying out the order to advance upon the enemy, as the General-in-Chief's letter might seem to imply.

During the same period that we were receiving the horses alluded to, about (3000) three thousand of our old stock were turned into the Quartermaster's department, and one thousand five hundred more reported as in such condition that they ought to be turned in as unfit for service; thus leaving the active army some seven hundred short of the number required to make good existing deficiencies, to say nothing of providing remounts for men whose horses had died or been killed during the campaign and those previously dismounted. Notwithstanding all the efforts made to obtain a remount, there were, after deducting the force engaged in picketing the river, but about a thousand serviceable cavalry horses on the twenty-first day of October.

In a letter dated October fourteenth, 1862, the General-in-Chief says:

"It is also reported to me that the number of animals with your army in the field is about thirty-one thousand. It is believed that your present proportion of cavalry and of animals is much larger than that of any other of our armies."

What number of animals other armies had I am not prepared to say, but military men in European armies have been of the opinion that an army to be efficient, while carrying on active operations in the field, should have a cavalry force equal in numbers to from one sixth to one fourth of the infantry force. My cavalry did not amount to one twentieth part of the army, and hence the necessity of giving every one of my cavalry soldiers a serviceable horse.

Cavalry may be said to constitute the *antenna* of an army. It scouts all the roads in front, on the flanks and in the rear of the advancing columns, and constantly feels the enemy. The amount of labor falling on this arm during the Maryland campaign was excessive.

To persons not familiar with the movements of troops, and the amount of transportation required for a large army marching away from water or railroad communications, the number of animals mentioned by the General-in-Chief may have appeared unnecessarily large; but to a military man, who takes the trouble to enter into an accurate and detailed computation of the number of pounds of subsistence and forage required for such an army as that of the Potomac, it will be seen that the thirty-one thousand and

imals were considerably less than was absolutely necessary to an advance.

As we were required to move through a country which could not be depended upon for any of our supplies, it became necessary to transport every thing in wagons, and to be prepared for all emergencies. I did not consider it safe to leave the river without subsistence and forage for ten days.

The official returns of that date show the aggregate strength of the army for duty to have been about one hundred and ten thousand men of all arms. This did not include teamsters, citizens, employes, officers' servants, etc., amounting to some twelve thousand, which gave a total of one hundred and twenty-two thousand men.

The subsistence alone of this army for ten days required for its transportation one thousand eight hundred and thirty wagons at two thousand pounds to the wagon, and ten thousand nine hundred and eighty animals.

Our cavalry horses at that time amounted to five thousand and forty-six, and our artillery horses to six thousand eight hundred and thirty-six.

To transport full forage for these twenty-two thousand eight hundred and sixty-two animals for ten days required seventeen thousand eight hundred and thirty-two additional animals; and this forage would only supply the entire number (forty thousand six hundred and ninety-four) of animals with a small fraction over half allowance for the time specified.

It will be observed that this estimate does not embrace the animals necessary to transport quartermasters' supplies, baggage, camp equipage, ambulances, reserve ammunition, forage for officers' horses, etc., which would greatly augment the necessary transportation.

It may very truly be said that we did make the march with the means at our disposal, but it will be remembered that we met with no serious opposition from the enemy; neither did we encounter delays from any other cause. The roads were in excellent condition, and the troops marched with the most commendable order and celerity.

If we had met with a determined resistance from the enemy, and our progress had been very much retarded thereby, we would have consumed our supplies before they could have been renewed. A proper estimate of my responsibilities as the Commander of that army did not justify me in basing my preparations for the expedition upon the supposition that I was to have an uninterrupted march. On the contrary, it was my duty to be prepared for all emergencies; and not the least important of my responsibilities was the duty of making ample provision for supplying my men and animals with rations and forage.

Knowing the solicitude of the President for an early movement, and sharing with him fully his anxiety for prompt action, on the twenty-first of October I telegraphed to the General-in-Chief as follows

HEADQUARTERS ARMY OF THE POTOMAC,
October 21, 1862.

Since the receipt of the President's order to move on the enemy, I have been making every exertion to get this army supplied with clothing absolutely necessary for marching.

This, I am happy to say, is now nearly accomplished. I have also, during the same time, repeatedly urged upon you the importance of supplying cavalry and artillery horses to replace those broken down by hard service, and steps have been taken to insure a prompt delivery.

Our cavalry, even when well supplied with horses, is much inferior in numbers to that of the enemy, but in efficiency has proved itself superior. So forcibly has this been impressed upon our old regiments by repeated successes, that the men are fully persuaded that they are equal to twice their number of rebel cavalry.

Exclusive of the cavalry force now engaged in picketing the river, I have not at present over about one thousand (1000) horses for service. Officers have been sent in various directions to purchase horses, and I expect them soon. Without more cavalry horses our communications, from the moment we march, would be at the mercy of the large cavalry force of the enemy, and it would not be possible for us to cover our flanks properly, or to obtain the necessary information of the position and movements of the enemy, in such a way as to insure success. My experience has shown the necessity of a large and efficient cavalry force.

Under the foregoing circumstances, I beg leave to ask whether the President desires me to march on the enemy at once, or to await the reception of the new horses, every possible step having been taken to insure their prompt arrival.

GEO. B. McCLELLAN,
Major-General Commanding.

Major-General H. W. HALLECK,
General-in-Chief, Washington.

On the same day General Halleck replied as follows:

WASHINGTON, October 21, 1862—3 P.M.

Your telegram of twelve M. has been submitted to the President. He directs me to say that he has no change to make in his order of the sixth instant.

If you have not been, and are not now, in condition to obey it, you will be able to show such want of ability. The President does not expect impossibilities; but he is very anxious that all this good weather should not be wasted in inactivity. Telegraph when you will move, and on what lines you propose to march.

H. W. HALLECK,
General-in-Chief.

Major-General Geo. B. McCLELLAN.

From the tenor of this despatch I conceived that it was left for my judgment to decide whether or not it was possible to move with safety to the army at that time; and this responsibility I exercised with the more confidence in view of the strong assurances of his trust in me, as commander

of that army, with which the President had seen fit to honor me during his last visit.

The cavalry requirements, without which an advance would have been in the highest degree injudicious and unsafe, were still wanting.

The country before us was an enemy's country, where the inhabitants furnished to the enemy every possible assistance; providing food for men and forage for animals, giving all information concerning our movements, and rendering every aid in their power to the enemy's cause.

It was manifest that we should find it, as we subsequently did, a hostile district, where we could derive no aid from the inhabitants that would justify dispensing with the active cooperation of an efficient cavalry force. Accordingly I fixed upon the first of November as the earliest date at which the forward movement could well be commenced.

The General-in-Chief, in a letter to the Secretary of War, on the twenty-eighth of October, says: "In my opinion, there has been no such want of supplies in the army under General McClellan as to prevent his compliance with the orders to advance against the enemy."

Notwithstanding this opinion, expressed by such high authority, I am compelled to say again that the delay in the reception of necessary supplies up to that date had left the army in a condition totally unfit to advance against the enemy—that an advance, under the existing circumstances, would, in my judgment, have been attended with the highest degree of peril, with great suffering and sickness among the men, and with imminent danger of being cut off from our supplies by the superior cavalry force of the enemy, and with no reasonable prospect of gaining any advantage over him.

I dismiss this subject with the remark that I have found it impossible to resist the force of my own convictions, that the commander of an army who, from the time of its organization, has for eighteen months been in constant communication with its officers and men, the greater part of the time engaged in active service in the field, and who has exercised this command in many battles, must certainly be considered competent to determine whether his army is in proper condition to advance on the enemy or not; and he must necessarily possess greater facilities for forming a correct judgment in regard to the wants of his men, and the condition of his supplies, than the General-in-Chief in his office at Washington City. The movement from Washington into Maryland, which culminated in the battles of South Mountain and Antietam, was not a part of an offensive campaign, with the object of the invasion of the enemy's territory and an attack upon his capital, but was defensive in its purposes, although offensive in its character, and would be technically called a "defensive-offensive campaign."

It was undertaken at a time when our army had experienced severe defeats, and its object was to preserve the national capital and Balti-

more, to protect Pennsylvania from invasion, and to drive the enemy out of Maryland. These purposes were fully and finally accomplished by the battle of Antietam, which brought the army of the Potomac into what might be termed an accidental position on the Upper Potomac.

Having gained the immediate object of the campaign, the first thing to be done was to insure Maryland from a return of the enemy; the second, to prepare our own army, exhausted by a series of severe battles, destitute to a great extent of supplies, and very deficient in artillery and cavalry horses, for a definite offensive movement, and to determine upon the line of operations for a further advance.

At the time of the battle of Antietam the Potomac was very low, and presented a comparatively weak line of defence unless watched by large masses of troops.

The reoccupation of Harper's Ferry, and the disposition of troops above that point, rendered the line of the Potomac secure against every thing except cavalry raids. No time was lost in placing the army in proper condition for an advance, and the circumstances which caused the delay after the battle of Antietam have been fully enumerated elsewhere.

I never regarded Harper's Ferry or its vicinity as a proper base of operations for a movement upon Richmond. I still considered the line of the Peninsula as the true approach, but, for obvious reasons, did not make any proposal to return to it.

On the sixth of October, as stated above, I was ordered by the President, through his General-in-Chief, to cross the Potomac and give battle to the enemy, or drive him south. Two lines were presented for my choice:

First. Up the valley of the Shenandoah, in which case I was to have twelve thousand to fifteen thousand additional troops.

Second. To cross between the enemy and Washington—that is, east of the Blue Ridge—in which event I was to be reënforced with thirty thousand men.

At first, I determined to adopt the line of the Shenandoah, for these reasons: The Harper's Ferry and Winchester Railroad and the various turnpikes converging upon Winchester afforded superior facilities for supplies. Our cavalry being weak, this line of communication could be more easily protected. There was no advantage in interposing at that time the Blue Ridge and the Shenandoah between the enemy and myself.

At the period in question the Potomac was still very low, and I apprehended that, if I crossed the river below Harper's Ferry, the enemy would promptly check the movement by recrossing into Maryland, at the same time covering his rear by occupying in strong force the passes leading through the Blue Ridge from the south-east into the Shenandoah Valley.

I anticipated, as the result of the first course, that Lee would fight me near Winchester, if he could do so under favorable circumstances; or

else that he would abandon the Lower Shenandoah, and leave the army of the Potomac free to act upon some other line of operations.

If he abandoned the Shenandoah, he would naturally fall back upon his railway communications. I have since been confirmed in the belief that, if I had crossed the Potomac below Harper's Ferry in the early part of October, General Lee would have recrossed into Maryland.

As above explained, the army was not in condition to move until late in October, and in the mean time circumstances had changed.

The period had arrived when a sudden and great rise of the Potomac might be looked for at any moment; the season of bad roads and difficult movements was approaching, which would naturally deter the enemy from exposing himself very far from his base, and his movements all appeared to indicate a falling back from the river toward his supplies. Under these circumstances, I felt at liberty to disregard the possibility of the enemy's recrossing the Potomac, and determined to select the line east of the Blue Ridge, feeling convinced that it would secure me the largest accession of force, and the most cordial support of the President, whose views, from the beginning, were in favor of that line.

The subject of the defence of the line of the Upper Potomac, after the advance of the main army, had long occupied my attention. I desired to place Harper's Ferry and its dependencies in a strong state of defence, and frequently addressed the General-in-Chief upon the subject of the erection of field-works and permanent bridges there, asking for the funds necessary to accomplish the purpose. Although I did my best to explain, as clearly as I was able, that I did not wish to erect permanent works of masonry, and that neither the works nor the permanent bridges had any reference to the advance of the army, but solely to the permanent occupation of Harper's Ferry, I could never make the General-in-Chief understand my wishes, but was refused the funds necessary to erect the field-works, on the ground that there was no appropriation for the erection of permanent fortifications; and was not allowed to build the permanent bridge, on the ground that the main army could not be delayed in its movements until its completion.

Of course I never thought of delaying the advance of the army for that purpose, and so stated repeatedly. On the twenty-fifth of October I sent to the General-in-Chief the following telegram:

HEADQUARTERS ARMY OF THE POTOMAC, }
October 25, 1862—10.45 P.M. }

As the moment is at hand for the advance of this army, a question arises for the decision of the General-in-Chief, which although perhaps impliedly decided by the President in his letter of the thirteenth, should be clearly presented by me, as I do not regard it as in my province to determine it.

This question is the extent to which the line of the Potomac should be guarded, after the army leaves, in order to cover Maryland and Pennsyl-

vania from invasion by large or small parties of the enemy.

It will always be somewhat difficult to guard the immediate line of the river, owing to its great extent and the numerous passages which exist.

It has long appeared to me that the best way of covering this line would be by occupying Front Royal, Strasburgh, Wardensville, and Moorefield, or the debouches of the several valleys in which they are situated.

These points, or suitable places in their vicinity, should be strongly intrenched and permanently held. One great advantage of this arrangement would be the covering the Baltimore and Ohio Railroad, and an essential part of the system would be the construction of the link of railway from Winchester to Strasburgh, and the rebuilding of the Manassas Gap railway bridge over the Shenandoah.

The intrenchment of Manassas Junction would complete the system for the defence of the approaches to Washington and the Upper Potomac. Many months ago I recommended this arrangement; in fact, gave orders for it to be carried into effect. I still regard it as essential under all circumstances.

The views of the Chief Engineer of this army, in regard to the defences and garrison of Harper's Ferry and its defences, are in your possession.

The only troops under my command, outside of the organization of the army of the Potomac, are the Maryland brigade, under General Kenly; the Fifty-fourth Pennsylvania, Colonel Voss; Twelfth Illinois cavalry, and Colonel Davis's Eighth New-York cavalry; total, two thousand eight hundred and ninety-four infantry, one battery, and about nine hundred cavalry men.

There are also two of my regiments of cavalry (about seven hundred and fifty men) guarding the Baltimore and Ohio Railroad between Hancock and Cumberland.

As I have no department, and command simply an active army in the field, my responsibility for the safety of the line of the Potomac and the States north of it must terminate the moment I advance so far beyond that line as to adopt another for my base of operations. The question for the General-in-Chief to decide, and which I regard as beyond my province, is this:

First. Shall the safety of Harper's Ferry and the line of the Potomac be regarded as assured by the advance of the army south of the Blue Ridge, and the line left to take care of itself?

Second. If it is deemed necessary to hold the line, or that hereinbefore indicated in advance of it, how many troops shall be placed there, at what points, (and in what numbers and of what composition at each,) and where shall they be supplied—that is, from the army, or from other sources?

Omitting the detached troops mentioned above, and the small garrisons of Boonsboro and Frederick, the last returns show the strength of this army for duty to be about (116,000) one hundred and sixteen thousand officers and men. This includes the divisions of Stoneman and Whipple,

but does not include Heintzelman, Sigel, and Bayard.

If Harper's Ferry and the river above are rendered fully secure, it is possible that the active army, if it supplies the garrison, may be reduced so much as to be inadequate to the purposes contemplated. If it is preserved intact, Maryland, Pennsylvania, and the Baltimore and Ohio Railroad may be unduly exposed.

I leave the decision of these grave questions to the General-in-Chief. I know nothing of the number of troops at Baltimore, etc.

An important element in the solution of this problem is the fact that a great portion of Bragg's army is probably now at liberty to unite itself with Lee's command.

I commence crossing the river at Berlin in the morning, and must ask a prompt decision of the questions proposed herein.

GEORGE B. McCLELLAN,
Major-General Commanding.

Major-General HALLECK,
General-in-Chief, Washington.

To which I received the following reply :

WASHINGTON, October 26, 1862—1.35 P.M.

In addition to the command which you had when I came here, you also have the greater part of that of Major-General Pope. Moreover, you have been authorized to use any troops within your reach in General Wool's department, and in Western Virginia. General Banks's command is also under your direction, with the single restriction that he is not to remove troops from Washington till he has notified me of his orders.

Since you left Washington I have advised and suggested in relation to your movements, but I have given you no orders; I do not give you any now. The Government has intrusted you with defeating and driving back the rebel army in your front. I shall not attempt to control you in the measures you may adopt for that purpose. You are informed of my views, but the President has left you at liberty to adopt them or not, as you may deem best.

You will also exercise your own discretion in regard to what points on the Potomac and the Baltimore and Ohio Railroad are to be occupied or fortified. I will only add that there is no appropriation for permanent intrenchments on that line. Moreover, I think it will be time enough to decide upon fortifying Front Royal, Strasburgh, Wardensville, and Moorefield, when the enemy is driven south of them, and they come into our possession.

I do not think that we need have any immediate fear of Bragg's army. You are within (20) twenty miles of Lee's, while Bragg is distant about (400) four hundred miles.

H. W. HALLECK,
General-in-Chief.

Major-General G. B. McCLELLAN.

On the twenty-ninth I sent the following :

HEADQUARTERS ARMY OF THE POTOMAC, }
October 29, 1862—1.15 P.M.

On the twenty-fifth instant I sent you a des-

patch requesting you to decide what steps should be taken to guard the line of the Potomac when this army leaves here. To this I received your reply that I had been intrusted by the President with defeating and driving away the rebel army; that you had given me no orders heretofore—did not give me any then, etc. Under these circumstances I have only to make such arrangements for guarding this extended line as the means at my disposal will permit, at the same time keeping in view the supreme necessity of maintaining the moving army in adequate force to meet the rebel army before us.

The dispositions I have ordered are as follows, namely: Ten thousand men to be left at Harper's Ferry; one brigade of infantry in front of Sharpsburgh; Kenly's brigade of infantry at Williamsport; Kelly's brigade, including Colonel Campbell's Fifty-fourth Pennsylvania infantry, at Cumberland; and between that point and Hancock. I have also left four small cavalry regiments to patrol and watch the river and the Baltimore and Ohio Railroad from Cumberland down to Harper's Ferry.

I do not regard this force as sufficient to cover securely this great extent of line, but I do not feel justified in detaching any more troops from my moving column; I would, therefore, recommend that some new regiments of infantry and cavalry be sent to strengthen the forces left by me.

There should be a brigade of infantry and section of artillery in the vicinity of Cherry Run, another brigade at Hancock, an additional brigade at Williamsport, one regiment at Hagerstown and one at Chambersburgh, with a section of artillery at each place if possible. This is on the supposition that the enemy retain a considerable cavalry force west of the Blue Ridge; if they go east of it, the occupation of the points named in my despatch of the twenty-fifth instant will obviate the necessity of keeping many of these troops on the river.

There are now several hundred of our wounded, including General Richardson, in the vicinity of Sharpsburgh, that cannot possibly be moved at present.

I repeat, that I do not look upon the forces I have been able to leave from this army as sufficient to prevent cavalry raids into Maryland and Pennsylvania, as cavalry is the only description of troops adequate to this service, and I am, as you are aware, deficient in this arm.

G. B. McCLELLAN,
Major-General Commanding.

Major-General HALLECK,
General-in-Chief, Washington.

To which I received on the thirtieth this reply :

WASHINGTON, October 30, 1862—11.30 A.M.

Your telegram of yesterday was received late last evening. The troops proposed for Thoroughfare Gap will be sent to that place whenever you are in position for their coöperation, as previously stated, but no new regiments can be sent from here to the Upper Potomac. The guarding of

that line is left to your own discretion with the troops now under your command.

H. W. HALLECK,
General-in-Chief.

Major-General G. B. McCLELLAN.

I accordingly left the Twelfth corps at Harper's Ferry, detaching one brigade to the vicinity of Sharpsburgh. General Morell was placed in command of the line from the mouth of the Antietam to Cumberland; General Slocum in command of Harper's Ferry and the line east of the mouth of the Antietam.

The orders given to these officers were as follows:

HEADQUARTERS ARMY OF THE POTOMAC, }
October 29, 1862—1 P.M. }

The General Commanding directs that you send one brigade of your corps to march at once to the position now occupied by General F. J. Porter's corps, in front of Sharpsburgh, to watch and guard the line of the river, the ford near the mouth of the Antietam Creek to the mouth of the Opequan Creek.

The officer in command will also take steps to afford proper protection to the sick and wounded in the hospitals in the vicinity of Sharpsburgh and Boonsboro. The regiment now at Boonsboro will be placed under his orders. General Kenly, at Williamsport, will guard the river from the mouth of the Opequan alone, including the ford at the mouth of the Opequan.

The Commanding General also directs that you take immediate steps to establish the remainder of your corps as follows, namely, one brigade on Maryland Heights, one brigade on Loudon Heights, with the remainder on Bolivar Heights and at Harper's Ferry.

These dispositions should be made at once, so that General Couch can move with his corps. Please acknowledge the receipt of this.

R. B. MARCY,
Chief of Staff.

General H. W. SLOCUM,
Commanding Army Corps, Harper's Ferry.

HEADQUARTERS ARMY OF THE POTOMAC, }
October 31, 1862. }

GENERAL: I am instructed by the Commanding General to say to you, that he has selected you to perform the highly important and responsible duty of taking charge of and commanding the troops left for the defence of the line of the Potomac River, from the mouth of the Antietam to Cumberland, as well as any other troops that may hereafter be sent for the protection of the Maryland and Pennsylvania frontier within the limits of the lines herein specified. The force which has been left to guard the line is not deemed adequate to prevent cavalry raids, but it is all that the Commanding General feels authorized to detach from the army of the Potomac at the present time, and it devolves upon you to make the best use of this force in your power. You will have four cavalry regiments under your command, which should be so distributed along the river as to watch all the available fords, and give

timely notice to the infantry of the approach of any force of rebels.

You will afford all the protection in your power to the Baltimore and Ohio Railroad.

You will endeavor to prevent any cavalry raids into Maryland and Pennsylvania.

You will take steps to have all the sick and wounded of our army, as well as of the rebel army within your lines, properly taken care of until they can be sent to general hospitals, or discharged, or paroled.

You will make your headquarters at Hagerstown, and occasionally visit the different parts of your line.

You will please report promptly to these headquarters every thing of importance that occurs within the limits of your command.

The three brigades now at Cumberland, Williamsport, and Sharpsburgh, including the Fifty-fourth Pennsylvania volunteers, near Cumberland, will be under your command. They are commanded by Generals Kelly, Kenly, and Gordon.

Very respectfully, your obedient servant,

S. WILLIAMS,
Assistant Adjutant-General.

General G. W. MORELL,
Commanding Upper Potomac.

On the twenty-fifth of October, the pontoon-bridge at Berlin was constructed, there being already one across the Potomac, and another across the Shenandoah, at Harper's Ferry.

On the twenty-sixth, two divisions of the Ninth corps, and Pleasanton's brigade of cavalry, crossed at Berlin and occupied Lovettsville.

The First, Sixth, and Ninth corps, the cavalry, and the reserve artillery, crossed at Berlin between the twenty-sixth of October and the second of November.

The Second and Fifth corps crossed at Harper's Ferry between the twenty-ninth of October and the first of November. Heavy rains delayed the movement considerably in the beginning, and the First, Fifth and Sixth corps were obliged to halt at least one day at the crossings to complete, as far as possible, necessary supplies that could not be procured at an earlier period.

The plan of campaign I adopted during this advance was to move the army, well in hand, parallel to the Blue Ridge, taking Warrenton as the point of direction for the main army; seizing each pass on the Blue Ridge by detachments, as we approached it, and guarding them after we had passed as long as they would enable the enemy to trouble our communications with the Potomac. It was expected that we would unite with the Eleventh corps and Sickles's division near Thoroughfare Gap. We depended upon Harper's Ferry and Berlin for supplies until the Manassas Gap Railway was reached; when that occurred, the passes in our rear were to be abandoned, and the army massed ready for action or movement in any direction.

It was my intention if upon reaching Ashby's or any other pass, I found that the enemy were in force between it and the Potomac in the valley

of the Shenandoah, to move into the valley and endeavor to gain their rear.

I hardly hoped to accomplish this, but did expect that by striking in between Culpeper Court-House and Little Washington I could either separate their army and beat them in detail, or else force them to concentrate as far back as Gordonsville, and thus place the army of the Potomac in position either to adopt the Fredericksburgh line of advance upon Richmond, or to be removed to the Peninsula, if, as I apprehended, it were found impossible to supply it by the Orange and Alexandria Railroad beyond Culpeper.

On the twenty-seventh of October, the remaining divisions of the Ninth corps crossed at Berlin, and Pleasanton's cavalry advanced to Purcellville. The concentration of the Sixth corps, delayed somewhat by intelligence as to the movements of the enemy near Hedgesville, etc., was commenced on this day, and the First corps was already in motion for Berlin.

On the twenty-eighth, the First corps and the general headquarters reached Berlin.

On the twenty-ninth, the reserve artillery crossed and encamped near Lovettsville. Stoneman's division, temporarily attached to the Ninth corps, occupied Leesburgh; Averill's cavalry brigade moved toward Berlin from Hagerstown; two divisions of the Ninth corps moved to Wheatland, and one to Waterford. The Second corps commenced the passage of the Shenandoah at Harper's Ferry, and moved into the valley east of Loudon Heights.

On the thirtieth, the First corps crossed at Berlin and encamped near Lovettsville, and the Second corps completed the passage of the Shenandoah. The Fifth corps commenced its march from Sharpsburgh to Harper's Ferry.

On the thirty-first, the Second corps moved to the vicinity of Hillsborough; the Sixth corps reached Boonsboro; the Fifth corps reached Harper's Ferry, one division crossing the Shenandoah.

On the first of November, the First corps moved to Purcellville and Hamilton; the Second corps to Woodgrove; the Fifth corps to Hillsborough; the Sixth corps reached Berlin, one division crossing. Pleasanton's cavalry occupied Philomont, having a sharp skirmish there and at Bloomfield.

On November second, the Second corps occupied Snicker's Gap; the Fifth corps, Snickersville; the Sixth corps crossed the Potomac and encamped near Wheatland; the Ninth corps advanced to Bloomfield, Union, and Philomont. Pleasanton drove the enemy out of Union. Averill was ordered to join Pleasanton. The enemy offered no serious resistance to the occupation of Snicker's Gap, but advanced to gain possession of it with a column of some five thousand to six thousand infantry, who were driven back by a few rounds from our rifled guns.

On the third, the First corps moved to Philomont, Union, Bloomfield, etc.; the Second corps to the vicinity of Upperville; the Fifth corps re-

mained at Snicker's Gap; the Sixth corps moved to Purcellville; the Ninth corps moved toward Upperville. Pleasanton drove the enemy out of Upperville after a severe fight;

On the fourth, the Second corps took possession of Ashby's Gap; the Sixth corps reached Union; the Ninth corps, Upperville; the cavalry occupied Piedmont.

On the fifth, the First corps moved to Rectortown and White Plains; one division of the Second corps to the intersection of the Paris and Piedmont with the Upperville and Barber's road; the Sixth corps to the Aldie pike, east of Upperville; the Ninth corps beyond the Manassas Railroad, between Piedmont and Salem, with a brigade at Manassas Gap. The cavalry under Averill had a skirmish at Manassas Gap, and the brigade of Pleasanton gained a handsome victory over superior numbers at Barbee's Cross-Roads. Bayard's cavalry had some sharp skirmishing in front of Salem.

On the sixth, the First corps advanced to Warrenton; the Second corps to Rectortown; the Fifth corps commenced its movement from Snicker's Gap to White Plains; the Ninth corps to Waterloo and vicinity on the Rappahannock; the Eleventh corps was at New-Baltimore, Thoroughfare and Hopewell's Gaps; Sickles's division guarding the Orange and Alexandria Railroad from Manassas Junction toward Warrenton Junction; the cavalry near Flint Hill; Bayard to cut off what there might be in Warrenton, and to proceed to the Rappahannock Station.

November seventh, General Pleasanton was ordered to move toward Little Washington and Sperryville, and thence toward Culpeper Court-House.

November eighth, the Second corps moved halfway to Warrenton; the Fifth corps to New-Baltimore.

November ninth, the Second and Fifth corps reached Warrenton; the Sixth corps, New-Baltimore.

Late on the night of the seventh, I received an order relieving me from the command of the army of the Potomac, and directing me to turn it over to General Burnside, which I at once did.

I had already given the orders for the movements of the eighth and ninth; these orders were carried into effect without change.

The position in which I left the army, as the result of the orders I had given, was as follows:

The First, Second, and Fifth corps, reserve artillery, and general headquarters, at Warrenton; the Ninth corps on the line of the Rappahannock, in the vicinity of Waterloo; the Sixth corps at New-Baltimore; the Eleventh corps at New-Baltimore, Gainesville, and Thoroughfare Gap; Sickles's division of the Third corps, on the Orange and Alexandria Railroad, from Manassas Junction to Warrenton Junction; Pleasanton across the Rappahannock at Amissville, Jefferson, etc., with his pickets at Hazel River, facing Longstreet, six miles from Culpeper Court-House; Bayard near Rappahannock Station.

The army was thus massed near Warrenton,

ready to act in any required direction, perfectly in hand, and in admirable condition and spirits. I doubt whether, during the whole period that I had the honor to command the army of the Potomac, it was in such excellent condition to fight a great battle. When I gave up the command to General Burnside, the best information in our possession indicated that Longstreet was immediately in our front near Culpeper; Jackson, with one, perhaps both, of the Hills, near Chester and Thornton's Gaps, with the mass of their force west of the Blue Ridge.

The reports from General Pleasanton on the advance indicated the possibility of separating the two wings of the enemy's forces, and either beating Longstreet separately, or forcing him to fall back at least upon Gordonsville, to effect his junction with the rest of the army.

The following is from the report of General Pleasanton:

"At this time, and from the seventh instant, my advance pickets were at Hazel River, within six miles of Culpeper, besides having my flank pickets toward Chester and Thornton's Gaps extended to Gaines's Cross-Roads and Newby's Cross-Roads, with numerous patrols in the direction of Woodville, Little Washington, and Sperryville.

"The information gained from these parties, and also from deserters, prisoners, contrabands, as well as citizens, established the fact of Longstreet, with his command, being at Culpeper, while Jackson, with D. H. Hill, with their respective commands, were in the Shenandoah Valley, on the western side of the Blue Ridge, covering Chester and Thornton's Gaps, and expecting us to pass through and attack them.

"As late as the seventeenth of November, a contraband just from Strasburgh came in my camp and reported that D. H. Hill's corps was two miles beyond that place, on the railroad to Mount Jackson. Hill was tearing up the road and destroying the bridges, under the impression that we intended to follow into that valley, and was *en route* for Staunton.

"Jackson's corps was between Strasburgh and Winchester. Ewell and A. P. Hill were with Jackson. Provisions were scarce, and the rebels were obliged to keep moving to obtain them."

Had I remained in command, I should have made the attempt to divide the enemy as before suggested, and could he have been brought to a battle within reach of my supplies, I cannot doubt that the result would have been a brilliant victory for our army.

On the tenth of November, General Pleasanton was attacked by Longstreet, with one division of infantry and Stuart's cavalry, but repulsed the attack.

This indicates the relative position of our army and that of the enemy at the time I was relieved from command.

It would be impossible to participate in operations, such as those described in the foregoing pages, without forming fixed opinions upon subjects connected with the organization of our ar-

mies, and the general conduct of military operations.

This report would be incomplete without a brief allusion to some general considerations which have been firmly impressed upon me by the events which have occurred.

To my mind the most glaring defect in our armies is the absence of system in the appointment and promotion of general and other officers, and the want of means for the theoretical instruction of the mass of officers. The expansion of the army was so great and so rapid at the commencement of the existing war that it was perhaps impossible, in the great scarcity of instructed officers, to have adopted any other course than that which was pursued; but the time has arrived when measures may be initiated to remedy existing defects, and provide against their recurrence.

I think that the army should be regarded as a permanent one; that is to say, its affairs should be administered precisely as if all who belonged to it had made it their profession for life; and those rules for promotion, etc., which have been found necessary in the best foreign armies to excite honorable emulation, produce an *esprit de corps* and procure efficiency, should be followed by us.

All officers and soldiers should be made to feel that merit—that is to say, courage, good conduct, the knowledge and performance of the duties of their grade, and fitness to exercise those of a superior grade—will insure to them advancement in their profession, and can alone secure it for them.

Measures should be adopted to secure the theoretical instruction of staff-officers at least, who should, as far as possible, be selected from officers having a military education, or who have seen actual service in the field.

The number of cadets at the Military Academy should be at once increased to the greatest extent permitted by the capacity of the institution. The regular army should be increased and maintained complete in numbers and efficiency.

A well-organized system of recruiting and of depots for instruction should be adopted, in order to keep the ranks of the regiments full, and supply promptly the losses arising from battle or disease. This is especially necessary for the artillery and cavalry arms of the service, which, from the beginning of the war, have rendered great services, and which have never been fully appreciated by any but their comrades. We need also large bodies of well-instructed engineer troops.

In the arrangement and conduct of campaigns the direction should be left to professional soldiers. A statesman may, perhaps, be more competent than a soldier to determine the political objects and direction of a campaign; but those once decided upon, every thing should be left to the responsible military head, without interference from civilians. In no other manner is success probable. The meddling of individual mem-

bers of committees of Congress with subjects which, from lack of experience, they are of course incapable of comprehending, and which they are too apt to view through the distorted medium of partisan or personal prejudice, can do no good, and is certain to produce incalculable mischief.

I cannot omit the expression of my thanks to the President for the constant evidence given me of his sincere personal regard, and his desire to sustain the military plans which my judgment led me to urge for adoption and execution. I cannot attribute his failure to adopt some of those plans, and to give that support to others which was necessary to their success, to any want of confidence in me; and it only remains for me to regret that other counsels came between the constitutional Commander-in-Chief and the General whom he had placed at the head of his armies—counsels which resulted in the failure of great campaigns.

If the nation possesses no generals in service competent to direct its military affairs without the aid or supervision of politicians, the sooner it finds them and places them in position the better will it be for its fortunes.

I may be pardoned for calling attention to the memorandum submitted by me to the President on the fourth of August, 1861; my letter to him of July seventh, 1862; and other similar communications to him and to the Secretary of War. I have seen no reason to change in any material regard the views there expressed.

After a calm, impartial, and patient consideration of the subject—a subject which demands the closest thought on the part of every true lover of his country—I am convinced that by the proper employment of our resources it is entirely possible to bring this war to a successful military issue. I believe that a necessary preliminary to the reestablishment of the Union is the entire defeat or virtual destruction of the organized military power of the confederates; and that such a result should be accompanied and followed by conciliatory measures; and that by pursuing the political course I have always advised, it is possible to bring about a permanent restoration of the Union—a reünion by which the rights of both sections shall be preserved, and by which both parties shall preserve their self-respect, while they respect each other.

In this report I have confined myself to a plain narrative of such facts as are necessary for the purposes of history.

Where it was possible, I have preferred to give these facts in the language of despatches, written at the time of their occurrence, rather than to attempt a new relation.

The reports of the subordinate commanders, hereto annexed, recite what time and space would fail me to mention here; those individual instances of conspicuous bravery and skill by which every battle was marked. To them I must especially refer, for without them this narrative would be incomplete, and justice fail to be done. But I cannot omit to tender to my corps commanders, and to other general officers under

them, such ample recognition of their cordial co-operation and their devoted services as those reports abundantly avouch.

I have not sought to defend the army which I had the honor to command, nor myself, against the hostile criticisms once so rife.

It has seemed to me that nothing more was required than such a plain and truthful narrative to enable those whose right it is to form a correct judgment on the important matters involved.

This report is, in fact, the history of the army of the Potomac.

During the period occupied in the organization of that army, it served as a barrier against the advance of a lately victorious enemy, while the fortifications of the capital were in progress; and under the discipline which it then received it acquired strength, education, and some of that experience which is necessary to success in active operations, and which enabled it afterward to sustain itself under circumstances trying to the most heroic men. Frequent skirmishes occurred along the lines, conducted with great gallantry, which inured our troops to the realities of war.

The army grew into shape but slowly; and the delays which attended on the obtaining of arms, continuing late into the winter of 1861-'62, were no less trying to the soldiers than to the people of the country. Even at the time of the organization of the Peninsula campaign, some of the finest regiments were without rifles; nor were the utmost exertions on the part of the military authorities adequate to overcome the obstacles to active service.

When, at length, the army was in condition to take the field, the Peninsula campaign was planned, and entered upon with enthusiasm by officers and men. Had this campaign been followed up as it was designed, I cannot doubt that it would have resulted in a glorious triumph to our arms, and the permanent restoration of the power of the Government in Virginia and North-Carolina, if not throughout the revolting States. It was, however, otherwise ordered, and instead of reporting a victorious campaign, it has been my duty to relate the heroism of a reduced army, sent upon an expedition into an enemy's country, there to abandon one and originate another and new plan of campaign, which might and would have been successful if supported with appreciation of its necessities, but which failed because of the repeated failure of promised support, at the most critical, and, as it proved, the most fatal moments. That heroism surpasses ordinary description. Its illustration must be left for the pen of the historian in times of calm reflection, when the nation shall be looking back to the past from the midst of peaceful days.

For me, now, it is sufficient to say that my comrades were victors on every field save one, and there the endurance of but little more than a single corps accomplished the object of the fighting, and, by securing to the army its transit to the James, left to the enemy a ruinous and barren victory.

The army of the Potomac was first reduced by

the withdrawal from my command of the division of General Blenker, which was ordered to the Mountain department, under General Fremont. We had scarcely landed on the Peninsula when it was further reduced by a despatch revoking a previous order giving me command at Fortress Monroe, and under which I had expected to take ten thousand men from that point to aid in our operations. Then, when under fire before the defences of Yorktown, we received the news of the withdrawal of General McDowell's corps of about thirty-five thousand men. This completed the overthrow of the original plan of the campaign. About one third of my entire army (five divisions out of fourteen, one of the nine remaining being but little larger than a brigade) was thus taken from me. Instead of a rapid advance which I had planned, aided by a flank movement up the York River, it was only left to besiege Yorktown. That siege was successfully conducted by the army, and when these strong works at length yielded to our approaches, the troops rushed forward to the sanguinary but successful battle of Williamsburgh, and thus opened an almost unresisted advance to the banks of the Chickahominy. Richmond lay before them, surrounded with fortifications, and guarded by an army larger than our own; but the prospect did not shake the courage of the brave men who composed my command. Relying still on the support which the vastness of our undertaking and the grand results depending on our success seemed to insure us, we pressed forward. The weather was stormy beyond precedent; the deep soil of the Peninsula was at times one vast morass; the Chickahominy rose to a higher stage than had been known for years before. Pursuing the advance, the crossings were seized, and the right wing extended to effect a junction with reinforcements now promised and earnestly desired, and upon the arrival of which the complete success of the campaign seemed clear. The brilliant battle of Hanover Court-House was fought, which opened the way for the First corps, with the aid of which, had it come, we should then have gone into the enemy's capital. It never came. The bravest army could not do more, under such overwhelming disappointment, than the army of the Potomac then did. Fair Oaks attests their courage and endurance when they hurled back, again and again, the vastly superior masses of the enemy. But mortal men could not accomplish the miracle that seemed to have been expected of them. But one course was left—a flank march in the face of a powerful enemy to another and better base—one of the most hazardous movements in war. The army of the Potomac, holding its own safety and almost the safety of our cause, in its hands, was equal to the occasion. The seven days are classical in American history; those days in which the noble soldiers of the Union and Constitution fought an outnumbering enemy by day, and retreated from successive victories by night, through a week of battle, closing the terrible series of conflicts with the ever-memorable victory of Malvern, where

they drove back, beaten and shattered, the entire eastern army of the Confederacy, and thus secured for themselves a place of rest and a point for a new advance upon the capital from the banks of the James. Richmond was still within our grasp, had the army of the Potomac been reinforced and permitted to advance. But counsels, which I cannot but think subsequent events proved unwise, prevailed in Washington, and we were ordered to abandon the campaign. Never did soldiers better deserve the thanks of a nation than the army of the Potomac for the deeds of the Peninsula campaign, and although that meed was withheld from them by the authorities, I am persuaded they have received the applause of the American people.

The army of the Potomac was recalled from within sight of Richmond, and incorporated with the army of Virginia. The disappointments of the campaign on the Peninsula had not damped their ardor nor diminished their patriotism. They fought well, faithfully, gallantly, under General Pope; yet were compelled to fall back on Washington, defeated and almost demoralized.

The enemy, no longer occupied in guarding his own capital, poured his troops northward, entered Maryland, threatened Pennsylvania, and even Washington itself. Elated by his recent victories, and assured that our troops were disorganized and dispirited, he was confident that the seat of war was now permanently transferred to the loyal States, and that his own exhausted soil was to be relieved from the burden of supporting two hostile armies. But he did not understand the spirit which animated the soldiers of the Union. I shall not, nor can I living, forget that when I was ordered to the command of the troops for the defence of the capital, the soldiers, with whom I had shared so much of the anxiety, and pain, and suffering of the war, had not lost their confidence in me as their commander. They sprang to my call with all their ancient vigor, discipline, and courage. I led them into Maryland. Fifteen days after they had fallen back defeated before Washington, they vanquished the enemy on the rugged height of South-Mountain, pursued him to the hard-fought field of Antietam, and drove him, broken and disappointed, across the Potomac into Virginia.

The army had need of rest. After the terrible experiences of battles and marches, with scarcely an interval of repose, which they had gone through from the time of leaving for the Peninsula; the return to Washington; the defeat in Virginia; the victory at South-Mountain, and again at Antietam, it was not surprising that they were in a large degree destitute of the absolute necessities to effective duty. Shoes were worn out; blankets were lost; clothing was in rags: in short, the army was unfit for active service, and an interval for rest and equipment was necessary. When the slowly forwarded supplies came to us I led the army across the river, renovated, refreshed, in good order and discipline, and followed the retreating foe to a position where I was confident of decisive victory, when, in the midst of the

movement, while my advance-guard was actually in contact with the enemy, I was removed from the command.

I am devoutly grateful to God that my last campaign with this brave army was crowned with a victory which saved the nation from the greatest peril it had then undergone. I have not accomplished my purpose if, by this report, the army of the Potomac is not placed high on the roll of the historic armies of the world. Its deeds ennoble the nation to which it belongs. Always ready for battle, always firm, steadfast, and trustworthy, I never called on it in vain; nor will the nation ever have cause to attribute its want of success, under myself, or under other commanders, to any failure of patriotism or bravery in that noble body of American soldiers.

No man can justly charge upon any portion of that army, from the Commanding General to the private, any lack of devotion to the service of the United States Government, and to the cause of the Constitution and the Union. They have proved their fealty in much sorrow, suffering, danger, and through the very shadow of death. Their comrades dead on all the fields where we fought have scarcely more claim to the honor of a nation's reverence than their survivors to the justice of a nation's gratitude.

I am, sir, very respectfully, your obedient servant,

GEORGE B. McCLELLAN,

Major-General United States Army.

Brigadier-General L. THOMAS,

Adjutant-General United States Army.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE, WASHINGTON,
December 22, 1862. }

I certify that the above is a true copy of the original report on file in this office.

E. D. TOWNSEND,
Assistant Adjutant-General.

Doc. 91.

REMOVAL OF GENERAL McCLELLAN.

LETTER FROM GENERAL HALLECK TO THE SECRETARY OF WAR.

The following correspondence gives some of the reasons which actuated the War Department in recommending the President to make a change in the command of the Army of the Potomac:

HEADQUARTERS OF THE ARMY, }
WASHINGTON, October 28, 1862. }

Hon. E. M. Stanton, Secretary of War:

SIR: In reply to the general interrogatories contained in your letter of yesterday, I have the honor to report:

First. That requisitions for supplies to the army under General McClellan are made by his staff-officers on the Chiefs of Bureaus here; that is, the Quartermaster applies by his Chief Quartermaster on Quartermaster-General; for commissary supplies by his Chief Commissary on Commissary General, etc.

No such requisitions have been, to my knowledge, made upon the Secretary of War, and none upon the General-in-Chief.

Second. On several occasions, General McClellan has telegraphed me that his army was deficient in certain supplies. All these telegrams were immediately referred to the heads of bureaus with orders to report. It was ascertained that in every instance the requisitions have been immediately filled, except where the Quartermaster-General had been obliged to send from Philadelphia certain articles of clothing, tents, etc., not having a full supply here.

There has not been, so far as I could ascertain, any neglect or delay, in any department or bureau, in issuing all the supplies asked for by General McClellan, or by the officers of his staff.

Delays have occasionally occurred in forwarding supplies by railroad on account of the crowded condition of the railroad depôts, or of a want of a sufficient number of cars; but, whenever notified of this fact, agents have been sent out to remove the difficulty under the excellent superintendence of General Haupt. I think those delays have been less frequent and of shorter duration than is usually the case with freight trains. An army of the size of that under General McClellan will frequently be for some days without the supplies it has asked for, on account of a neglect in making timely requisitions for them, and unavoidable delays in forwarding them and distributing them to the different brigades and regiments.

From all the information that I can obtain, I am of the opinion that the requisitions from that army have been filled more promptly, and that the men, as a general rule, have been better supplied, than in the case of our armies operating in the West. The latter have operated at much greater distances from the sources of supplies, and have had far less facilities for transportation. In fine, I believe that no armies in the world in campaigning have been more promptly or better supplied than ours.

Third. Soon after the battle of Antietam, General McClellan was urged to give me information of his intended movements, in order that if he moved between the enemy and Washington the reinforcements could be sent from this place. On the first of October, finding that he purposed to operate from Harper's Ferry, I urged him to cross the river at once and give battle to the enemy, pointing out to him the disadvantages of delaying till the autumn rains had swollen the Potomac and impaired the roads. On the sixth of October he was peremptorily ordered to cross the Potomac and give battle to the enemy, or drive him South. I said to him: "Your army must move now, while the roads are in good condition." It will be observed that three weeks have elapsed since that order was given.

Fourth. In my opinion there has been no such want of supplies in the army under General McClellan as to prevent his compliance with my orders to advance upon the enemy.

Had he moved his army to the south side of the Potomac, he could have received his supplies almost as readily as by remaining inactive on the north side.

Fifth. On the seventh of October, in a telegram in regard to his intended movements, General McClellan stated that he would require at least three days to supply the first, fifth, and sixth corps; that they needed shoes, and other indispensable articles of clothing, as well as shelter-tents. No complaint was made to me that his army requisitions had not been filled, and it was inferred from his language that he was only waiting for the distribution of his supplies.

On the eleventh of October he telegraphed to me that a portion of his supplies sent by railroad had been delayed. As already stated, agents were immediately sent from here to investigate this complaint, and they reported that every thing had gone forward on the same date, the eleventh.

General McClellan spoke of many of his horses being broken down by fatigue. On the twelfth of October he complained that the rate of supply was only one hundred and fifty horses per week for his entire army there and in front of Washington.

I immediately directed the Quartermaster-General to inquire into this matter, and report why a larger supply was not furnished to General McClellan.

General Meigs reported to me, on the fourteenth of October, that the average issue of horses to General McClellan's army in the field and in front of Washington, for the previous six weeks, had been one thousand four hundred and fifty-nine per week, or eight thousand seven hundred and fifty-four in all.

In addition, he reported to me that a large number of mules had been supplied, and that the number of these animals with General McClellan's army on the Upper Potomac was over three thousand one hundred.

He also reported to me that he was then sending that army all the horses he could procure.

On the eighteenth of October, General McClellan stated, in regard to General Meigs's report, that he had filled every requisition for shoes and clothing: "General Meigs may have ordered these articles to be forwarded; but they might as well remain in New-York or Philadelphia, so far as my army is concerned." I immediately called General Meigs's attention to this apparent neglect of his department.

On the twenty-fifth of October, he reported as the result of his investigation that four thousand eight hundred pairs of boots and shoes had been received by the quartermaster of McClellan's army at Harper's Ferry, Frederick, and Hagerstown. Twenty thousand pairs were at Harper's Ferry dépôt on the twenty-first, and that ten thousand more were on their way, and fifteen thousand more had been ordered.

Colonel Ingalls, aid-de-camp and chief of staff to General McClellan, telegraphed on the twenty-fifth as follows: "The suffering for want of clothing is exaggerated, I think, and certainly might have been avoided by timely requisitions by the regimental and brigade commanders." On the twenty-fourth of October he telegraphed to Quartermaster-General Meigs that the clothing

was not detained in the cars at the dépôts. "Such complaints are groundless. The fact is the clothing arrives and is issued, but more is still wanted. I have ordered more than would seem necessary from any data furnished me, and I beg to remind you that you have always very promptly met my requisitions. As far as clothing is concerned, our department is not at fault. It provides as soon as due notice is given. I can foresee no time when an army of over one hundred thousand men will not call for clothing and other articles."

In regard to General McClellan's means of promptly communicating the wants of his army to me, or to the proper bureaus of the War Department, I report, that, in addition to the ordinary mails, he has been in hourly communication with Washington by telegraph.

It is due to General Meigs that I should submit herewith a copy of a telegram received by him from General McClellan.

Very respectfully, your obedient servant,

H. W. HALLECK,
General-in-Chief

FROM McCLELLAN'S HEADQUARTERS—TO BRIGADIER-GENERAL MEIGS.

Your despatch of this date is received. I have never intended, in any letter or despatch, to make any accusation against yourself or your Department for not furnishing or forwarding clothing as rapidly as it was possible for you to do so. I believe every thing has been done that could be done in this respect. The idea that I have tried to convey was that certain portions of the command were without clothing, and that the army would not move until it was supplied.

G. B. McCLELLAN,
Major-General

Doc. 92.

CONTEST ON THE RAPPAHANNOCK.*

WASHINGTON, D. C., August 24, 1862.

I HAVE just returned from the lines of our army on the Rappahannock, and bring particulars of the progress of affairs up to Saturday afternoon.

By Wednesday noon the retreat of our army from the Rapidan to the Rappahannock had brought it to the banks of the latter river, and the rear-guard, composed in part of General Hatch's brigade of cavalry, were just at Brandy Station (the first on the railroad beyond Rappahannock Bridge) when the head of the rebel pursuing columns first came in sight. Throughout the whole march from Culpeper to this point, the enemy were following closely upon the heels of our forces, their advance-guard being but a short distance behind our rear, and their main body only some six or eight miles off. At this insignificant little railroad station, then, the grand armies of Pope and Lee first got sight of each other, and a conflict immediately ensued. Our rear-guard, supposing that the rebel force was a mere skirmishing party sent in advance,

* See page 842, Docs., Vol. V.

and wishing to check such presumptuous reconnoitring, turned upon it, and the order to charge was given. Immediately the three cavalry regiments of Hatch's brigade—the "Harris Light," First Pennsylvania, and First New-Jersey—formed in line of battle and swept forward with tremendous cheers; but coming suddenly upon a broad and deep ditch, they were compelled to draw rein, and at the instant a large force of rebel infantry rose from cover and poured a heavy volley into the ranks, which emptied many saddles and threw our squadrons into confusion. The line gave way at the centre, but the wings wavering and showing a disposition to hold their ground, another volley was poured into them by the enemy, and our whole force then rapidly retreated to the Rappahannock River. The rebel forces followed hotly after; but at the moment when they thought they had driven us pell-mell over the river, and the capture of the railroad bridge must be an easy affair, the fire of two batteries—Matthews's Pennsylvania and Thompson's Maryland—was poured into their faces with terrific effect. Their impulsive advance was checked in the instant, and the exultant yells died upon their lips. In haste they retired from the exposed situation where they stood to the cover of a thick wood, which skirted the level plain at a distance of a half-mile from the river. Their pieces not having been brought forward, they could not reply to our fire, so their column moved to the left, under cover of the woods, with the view of flanking us by effecting a crossing at one of the fords between Rappahannock Bridge and the Warrenton White Sulphur Springs. Their design, having been anticipated, was baffled by General Pope, who pushed his column a corresponding distance along the north bank of the river, and guarded each ford with three batteries to command it in front and from either side. The two armies were kept thus moving all Thursday, each of the two able players at this grand game of war seeking to checkmate his antagonist without bringing on a serious engagement before his forces were fully massed. An attempt was made down at Kelly's Ford—on the left of our line—to cross, and turn our position, but this was effectually foiled by General Reno, who showed no force until he had lured the enemy into the place he desired, and then suddenly opened fire with his batteries, and then followed it up with a cavalry charge, which put the foe to flight, and determined him to make no more attempts that day to cross at Kelly's Ford.

Friday morning came, and with it a sharp cannonade along the whole line, from Kelly's Ford (Reno's position) to Barnett's Ford, which was defended by Sigel. The first gun was fired at five o'clock at our centre, and answered by McDowell's batteries; but the answering echoes of the Blue Ridge had hardly sent back the peals of ordnance before Sigel was also attacked, and from that until dusk the cannonade was almost incessant. The fact was that the main body of the enemy had come up, and, in advance of choosing their final position, they were feeling us all along the line. At Barnett's Ford, however, their attack was most

determined, as that point was, of all along the river, the most favorable for their designs. But the gallant corps of Sigel did not come short of its duty one iota, for their batteries played upon the rebel batteries all day long, and even after nightfall, worn out and fatigued as men and horses were, they kept up the fight until the enemy drew off.

In the morning, Banks had occupied a position to the left of McDowell, but when it became apparent that the attack upon Sigel would be the main feature of the day, his corps was moved up to the right to support Sigel, and Reno's division was marched from Kelly's Ford to a point above Rappahannock Railroad Bridge, near General Pope's headquarters. The Fifty-first New-York was, however, left to guard the ford, much to Lieutenant-Colonel Potter's disgust, who longed to lead his men into the thickest of the fight, as usual.

All day Friday General Pope's headquarters were on a bold hill, whence a tolerable view could be had of the line of battle, which stretched for eight or ten miles along the Rappahannock, and hither came and thence went mounted aids and orderlies in hot haste, with reports and orders, verbal and written. The hill-top was shaded by a group of large oaks, under whose branches I saw at one time clustered several generals and general staffs.

When the artillery attack on Sigel had lulled a little the brave General determined to feel the rebel strength opposite his position. Accordingly he ordered General Carl Schurz to reconnoitre with his division, and, if possible, to cross the river. Schurz's division comprises two brigades, of which he took only the first, General Bohlen, for the reconnoissance. The Seventy-fourth Pennsylvania was sent over first, the men wading breast-deep through the water, holding their pieces and ammunition above their heads to keep them dry. The Eighth Virginia and Sixty-first Ohio followed after, and some time after McLean's brigade was sent to support them in their engagement with the enemy.

Schurz's crossing was unopposed. He kept on up the opposite bank, and out upon the level ground, and went more than a mile before his pickets came face to face with the enemy's. As soon as our fellows saw the "gray-backs," they fired, but the rebels, instead of standing ground, or making a show of force, fell back, in no very leisurely manner either, for half a mile. Sigel followed awhile, until it was evident that they wished to entrap him into an ambush, when he halted and took up a fine position in the edge of some heavy timber, the approaches to which were over open fields. Their design foiled, the enemy had no choice but to face about and attack Schurz in his own position, which they did in force. One of the officers who was wounded in this fight tells me that he counted twenty-five pieces of ordnance on their side which were in action at once, supported by adequate forces of infantry and cavalry.

The fight on this trans-Rappahannock field

was hotly contested—as you may well imagine from the fact that it commenced at about nine A.M., and lasted until six o'clock in the evening. Charges were repeatedly made by both sides, and the rebels, seemingly determined to conquer in spite of every obstacle, even stripped to their pantaloons in many cases, as our Irishmen are said to have done at Bull Run. But although the musketry was sharp, and the fighting mostly at short range, the rebels seemed to have forgotten their marksmanship for once, for up to five o'clock, when I passed that way, Sigel had not lost above fifty or sixty in killed and wounded. But one brave man and true patriot had gone to his account—Brigadier-General Bohlen of Philadelphia, commanding the First brigade, Third division, Sigel's army corps, had fallen, while at the head of his command; he was waving his sword and cheering on his men. The news of his death will be received with the deepest regret in Philadelphia, where his social qualities are so well known. Besides him, a few officers, very few considering the number engaged and the stubbornness of the fight, were killed or wounded, but except those in the list annexed, I could not obtain their names in the confusion of the fight.

Toward evening, Sigel's object having been accomplished, and Schurz's force not being sufficient to hold his extremely advanced position, our troops were withdrawn to the north bank of the river. They were hotly pursued to the very water's edge by the enemy, and during the passage through the ford the rebel volleys were as sharp as any I ever heard. All of our killed and wounded were brought safely across, and a small number of prisoners, (not five whole regiments, as one report has it.) That General Sigel should have come safely through the day himself is truly remarkable, for he exposed himself in the most reckless manner wherever he thought it necessary to do so, and in the final grand fusillade he was in the midst of a real storm of bullets.

With night came a cessation of hostilities. The enemy had been foiled in his attempt to flank us, and we had gained another day—worth every thing to our army and the nation.

On Saturday there was an artillery duel all along the opposing lines. The ball was opened at our centre, and the firing extended not only up the river toward Sigel, but down toward the railroad bridge, where we occupied two hills across the river. It had been raining the evening before and almost all night, and the red waters of the Rappahannock had so swollen as to carry away the bridge above Barnett's Ford, and the debris lodged against the lower one in such masses that there was great danger of its being carried away. Our advanced position had become very insecure, and it was accordingly determined to abandon it. The movement was executed in perfect order. Matthews's and Thompson's batteries, supported by the Twelfth and Thirteenth Massachusetts, and Eleventh Pennsylvania, were safely withdrawn to this side of the river, while a company of Pennsylvania rifle-

men and a section of Matthews's guns held the position until the last man and last gun was safely brought over. New positions were taken on this side, from which the old ones could be enfiladed, and on the rebels appearing in strong force, a terrific cannonade was opened upon them by Matthews's, Hall's, Thompson's, and Leppier's batteries of Ricketts's division, which caused great loss to the enemy. Every attempt to plant a battery on the abandoned eminences was repulsed with great slaughter, and the enemy were fairly driven back to the woods when I left the ground.

As on Thursday and Friday, so on Saturday, the enemy kept working up toward Warrenton White Sulphur Springs, on the south side of the Rappahannock, with the view of flanking us, and we moved further and further away from the railroad, to baffle their design. As on preceding days, so on Saturday, the grand artillery duel went on from right to left and left to right; the cannonade being heavier now at McDowell's position, now at Sigel's, now at Banks's. We were guarding, and successfully guarding, the whole river bank, and all the fords from Kelly's to Warrenton, and the enemy, with an army of one hundred thousand to one hundred and fifty thousand, had been held in check by Pope with a much inferior numerical force. Their great game was to turn our position, take us in rear, whip us, and then rush on with streaming flags to Washington. Ours the desperate task of showing fight, and yet not fighting, of playing with our monstrous antagonist until he lost his golden time, and until our reinforcements from Fredericksburgh, the Peninsula, and the North would so strengthen us that we could crush his armies and capture his capital. If we could save ourselves until Saturday night, we would be safe. And the greatest crisis of this war occurred between Thursday morning and Saturday night. It is passed, and we are safe. Washington is safe, our army is safe, the nation is safe. For Pope's artillery is now guarding the line of the Rappahannock, and Fitz-John Porter, with a very heavy force, joined Pope on Friday evening, and a host of regiments have joined and are joining him now, by way of Alexandria. And now look for the grand movements of the war within thirty days. Do not forget that Burnside has massed a large army at Fredericksburgh, and Pope is nearly or quite as strong as Lee and Jackson, and McClellan is freed from the net which—whether self-woven or not—held him in its meshes on the Peninsula.

General Pope's position at the railway bridge across the Rappahannock—the position deemed to be of greatest strength along the river—was attacked in force on Saturday morning. The hill, redoubt, and block-house, on the southern bank, had been held up to that time by a portion of General Hartsuff's brigade, the Twelfth and Thirteenth Massachusetts, and two batteries of artillery. The bridge had not been destroyed—was considered impregnable. But with the swelling stream came down so much timber that the bridge

was endangered. General Pope therefore determined to withdraw his forces on the opposite bank and destroy the bridge. The movement was accomplished in order and without loss, and the bridge was burnt. But the position which was thus abandoned was valuable, to the enemy not less than to us, and when its evacuation was discovered, the rebels immediately advanced in force to occupy it.

The whole staff-train of General Pope has been captured at Catlett's Station. This information at least is authentic. My account is from a Quartermaster's clerk who arrived here last night, and was with the train when it was attacked. His statement is in substance as follows:

General Pope on Friday sent back his train, which mustered fifty-three wagons, to Catlett's, a station on the railway about two miles this side of Warrenton Junction, and at least twelve miles to the rear of the army. The tents were pitched and the wagons in park. About eight o'clock Friday evening, Mr. Brown was lying in his tent with a light burning. He was roused by a volley of musketry and the sound of cavalry charging. The camp had a guard of infantry, its usual escort, whose muskets were in the wagons! and was protected also by four companies of the Bucktail Rifles, under Lieutenant-Colonel Kane. There were no pickets, not even a sentry. The first notice of the approach of the rebels was the volley of musketry.

The infantry escort ran at once. The Bucktails, surprised, but not wholly unarmed like the others, scattered at the first fire, but rallied beyond the camp. The rebel cavalry poured in unopposed, took complete possession of the camp, pillaged and plundered its personal effects, carried off the contents of all the trunks of General Pope and all his staff, and took with them on their retreat all the horses of the train, about two hundred, and also those belonging to the staff which were not in the field at the time. Some officers were in the camp, but General Pope and most of his staff were in front, twelve miles away.

Colonel Clary, Chief Quartermaster, and Captain Goulding, Assistant Quartermaster, were both there in charge of the property. Both were thought to have been captured, but Colonel Clary returned on Saturday morning. Captain Goulding has not since been seen or heard of at the station, and, unless he went to the front, is probably captured. One account says that he was shot; but there is no confirmation of that report. Colonel Butler, Aid-de-Camp to General Pope, came out of his tent with a brace of revolvers, and did not retreat till he had fired twelve shots, then got off safely.

The Bucktails were finally rallied by Colonel Kane, and drove back the rebel cavalry, regaining possession of the plundered camp. The rebels seem to have had full time to carry away its spoils. They knew that it was General Pope's, for they were heard to ask repeatedly, "Where is the General?" and they neglected every thing else to plunder the trunks. They got also the

papers and money in all the offices, the Adjutant-General's and the Quartermaster's. There were seven thousand dollars or eight thousand dollars in Captain Goulding's safe—all lost. Papers of the utmost importance must have been found among General Pope's effects, and in the Adjutant-General's desks—the muster-rolls of the army, for instance.

For these papers, for the money, and for the plunder of a Major-General's baggage, the rebel raid was doubtless partly directed, but it must also have been meant to destroy the railway bridge near Catlett's, over Cedar Run, a stream now so swollen that it cannot be forded. The rally of the Bucktails drove them off while they were plundering, and the delay saved the bridge. There were four regiments of cavalry, as was learned from a Lieutenant taken prisoner. Several men in the camp were killed and wounded, and nearly all the teamsters were captured. Probably the whole might have been saved and the attack repulsed if there had been pickets, or even sentries about the camp. But there has not been a guard mounting at headquarters since General Pope took the field—a piece of carelessness for which he has paid a heavy penalty.

This raid was by the way of Warrenton Springs. Four regiments of cavalry have succeeded in turning the right flank of General Pope's army and dashing in upon his trains twelve miles to the rear, and an equal distance within his lines from their extremity. I have no wish to excite unreasonable alarm, but I think I ought to say that such a movement is significant of far more important results than the plunder of a camp. I know that General Pope considered his right out of danger on Thursday. A movement then made by General Sigel is conclusive evidence of that. Subsequent dispositions of his force may have anticipated the consequences of previous exposure. At least, he must have become convinced that his right flank cannot longer be left to take care of itself.

I repeat none of the rumors that are flying all over the city, but there can be no doubt that fighting has been going on for two days, certainly severe at some points, and over such an extent of ground as to excite a fear that somewhere the rebels may have had a success. But, from all I can learn, I believe it to be true that up to last night General Pope still held the Rappahannock line unbroken. I trust we may hear no news from the Shenandoah. If not, and if the right of General Pope has been made secure, I see no reason for apprehension. The rebels are making desperate efforts, but if affairs stand as well as on Thursday—and in some respects they must be better—the position of our forces ought to be impregnable.

All the private papers and letters of General Pope, copies of despatches and reports, memoranda relating to the campaign and to the army, copies of telegrams sent, all despatches received from the President, Halleck, and the War Department, orders issued to Generals of corps and divisions, all maps and topographical charts, con-

taining information of the greatest value; in a word, the whole history and plan of the campaign, the numbers and disposition of troops, all are revealed to the enemy by the above disaster. Its seriousness can hardly be estimated. It is taking the rebel general into the confidence of Halleck, and may render it necessary to change the whole campaign.

A REBEL DIARY AND ACCOUNT.

August 20, 1862.—Army crossed the Rapidan, the water thigh-deep. Scene exciting and amusing. Nearly whole day thus occupied.

August 21.—The enemy in close proximity, and we have to move cautiously. Longstreet's corps is in the front. From a hill on the other side of the Rapidan we have a magnificent view for miles. Three columns—long, black, winding lines of men, their muskets gleaming in the sunshine like silver spears—are in sight, moving in the direction of Fredericksburg or down the opposite bank of the river. More skirmishing in front. Good many stragglers by the wayside, but they are generally broken-down soldiers, and trudge slowly along in the tracks of their comrades. An attractive part of the procession is the baggage-trains, wending their way in the rear of the army. Thousands of wagons are in sight, and, between the stalling of trains, the shouting of drivers, and the chaotic confusion which emanates from the motley mass, no man can complain of the *ennui* of a march.

Nothing can be more picturesquely beautiful than the bivouac at night. Thousands of troops line the woods on both sides of the road for miles. Camp-fires are glimmering in the trees, muskets are stacked along the edge of the forest, and the men are disposed in every conceivable manner. Some are rolled up in their blankets, and already dreaming away the fatigues of the day; some are sitting around the camp-fires, watching the roasting ears and discussing the "coming events which cast their shadows before," and some are among the trees, moving to and fro in the gray film of smoke that has arisen from the myriad fires and rests upon the earth. Between the dusty figures of the soldiers, the various occupations in which they are engaged, the road filled with wagons and guns, the appearance of the illuminated trees and bushes, forming against the deep gloom of the night a fantastic background, and all the details combined with the almost unnatural beauty, the spectacle resembles one vast embroidered transparency that has been worked by goblin hands. Art, with her most opulent tents and fixtures, arrayed in her richest trappings, can never hope to equal those of the curious and careless efforts of nature. We live on what we can get—now and then an ear of corn, fried green apples, or a bit of ham broiled on a stick, but quite as frequently do without either from morning until night. We sleep on the ground without any other covering than a blanket, and consider ourselves fortunate if we are not frozen stiff before morning. The nights are both damp and cold.

August 22.—To-day, another busy scene. The

army resumed its march at daylight. Longstreet's twelve brigades moving toward the Potomac on the right, and Jackson on the left. The latter passed the Rapidan Station on the Virginia Central Railroad, and is pressing on north-east of Culpeper. Several small skirmishes have taken place on the front, and eighty or ninety prisoners went by on their way to the rear. Among the Yankees captured by Jackson were two men, who, as soon as they fell into our hands, commenced to ask after their old comrades in an artillery company. An inquiry being instituted, they confessed that eight months ago they were soldiers in our army, but that being tired of service they had deserted, and joined the ranks of the enemy. Without further ado the General ordered them to be hung to a tree, which was done in the presence of a large portion of his army.

In Longstreet's division there has also been active work. The enemy several times attempted to check our advance, but were signally repulsed. Pickett's, Wilcox's, and Pryor's brigades were severally engaged at different periods of the day, and lost a few men killed and wounded. At Mountain Run, a small branch which joins the Rappahannock, a Federal battery of six pieces commenced this afternoon to throw shells by way of diversion, but were promptly engaged by the Donaldsonville battery, (Louisiana,) Captain Mora, and soon after retired. In this affair General Roger A. Pryor had a narrow escape. While sitting on a fence by the roadside, a shell burst immediately over his head, and the fragments dashed into the ground around him on every side, but, fortunately, without doing injury. As he wears a high felt hat, and was plainly in sight of the artillerymen, the presumption is that he was made their mark. General Wilcox likewise received similar attentions. He was riding in advance of the army, attended by a single trooper, when the latter discovered one of the Yankee pickets peeping over the top of a boulder. "Shall I bring him down?" said the soldier; "No," replied the General, "better not waste your powder, the distance is too great." Hardly were the words out of his mouth before—"whiz"—a Minié ball flew within three inches of the General's ear, and lodged in the bank behind him. Subsequently he was wounded in the arm.

Among the incidents of the day which have kept the men in good humor, and eager for a fight, was a charge by a regiment of cavalry upon two companies of the Twelfth Mississippi regiment. Thinking they had the confederates surrounded, the Yankee colonel demanded a surrender. "Surrender be ——" was the response, "Mississippians don't know how." In a moment more the cavalry were dashing forward at full speed. Our men allowed them to come within short range, and then opened. Thirty or forty saddles were emptied in less time than you can tell it, and, without waiting for a repetition of the dose, the regiment took to its heels, and, amid the cheers and jeers of the boys, got out of sight in the most industrious manner possible.

To-day has been further signaled by the hang

ing of a spy—a man named Charles Mason, of Perryville, Pennsylvania. It appears that as one of the couriers of General Longstreet was carrying an order, he was met by this man, who inquired: "Whose division do you belong to?" "Longstreet's." The courier then asked: "Whose division do you belong to?" "Jackson's," was the reply. A gray confederate uniform favored this idea, and a conversation ensued. As the two travelled together the courier observed that there was a disposition on the part of his companion to drop behind, and finally he was astonished by a pistol presented to his breast, and a demand for the delivery of the papers he carried in his belt. Having no other resource, the latter surrendered the documents, when the spy deliberately shot him in the back and ran. Soon afterward the courier was found by some of his friends, and narrated the particulars of the affair, describing the man so minutely that, when subsequently arrested, he was known beyond a peradventure. He had, for instance, two defective front teeth, was a pale-faced, determined-looking, and quick-spoken person.

A search was at once instituted, but fortunately he fell into our hands by his own foolishness. It is stated (but I do not vouch for this) that this morning the spy rode up to General Jones, who was at the head of his column, and said: "General, I am the chief courier of General Jackson; he desired me to request you to order your column to be reversed at once." The order was of course given, and the pretended courier rode away. His next exploit was to ride up to the colonel of one of our regiments and give him the same command he had given to Jones. The colonel was a shrewd officer, however, and remarked: "I am not in the habit of receiving my orders from General Jackson." "Well, sir, those were my orders from him to you." "What cavalry are you from?" The courier hesitated a moment, and said: "From the Hampton Legion." "In whose division and brigade is that?" asked the colonel. This confused him still more, and he could only reply: "I don't know; I have forgotten." Being then taken into custody and examined, several papers were found upon his person written in short hand and an abbreviated long hand, embracing the information he had obtained. A pair of lieutenant's shoulder-straps were also concealed in his pocket. These discoveries being made, the man confessed that he was a Yankee, and belonged to the Union army, but in the capacity of an independent scout. He admitted further that he had observed and reported the movements of our army, but denied having killed the courier. He claimed that it was done by a party of Texans with whom he was travelling.

The various facts being conclusive, the court-martial by which he was tried had little hesitation in finding him "guilty," and sentencing him to be hung. The execution took place this afternoon, under the direction of General Evans, in the presence of his brigade and a large number of soldiers. The prisoner was mounted

on a horse, his hands tied behind him, and he was driven beneath a tree. The rope, which was a little larger than an ordinary bed-cord, then being adjusted, he was ordered to stand upon the saddle. As he did so a soldier gave a sharp cut to the animal, and in a second more the spy was jerking convulsively from the limb above him. He met his fate with great stoicism, and appeared perfectly satisfied with what he had accomplished, but to the last denied all participation in the act of shooting Longstreet's courier. He said he had an uncle and aunt living in Clarke county, Virginia, and that the latter had made him the confederate uniform which he wore.

Friday, August 22, 1862.—At Stevensburgh. Once a fine old sober Virginia village, but now deserted, dilapidated, and as rough as if it had been evolved up from a lot of second-hand rubbish. The ancient burgh has evidently been awakened from a long coma, and while I write is alive with a cosmopolitan humanity. Ascending the hill in the suburbs we have one of the handsomest views in the country. Around the edge of the horizon is the Blue Ridge, hanging like a misty veil dropped from the clouds, the huge tops illuminated by the sunlight. Between here and there spreads out a broad plain, broken at intervals by hills and patches of woods. Four miles to the left of our line of travel is Culpeper Court-House. Four miles ahead is Brandy Station, on the Orange and Alexandria Railroad, and already there is filing away in that direction a train of a thousand wagons. In the meadows at your feet are camps of other wagon trains, containing ordnance, quartermaster and other stores, for the use of the various divisions of the army. Several brigades are also bivouacked here, while others are in motion, filing across the country. Roads in superb condition for marching, and weather bracing. The head of Longstreet's corps is now upon the banks of the Rappahannock; Jackson still to the left. General R. H. Anderson's division has just come up from Richmond, and is hurrying forward to the front. It is soon after sunrise, and the camps are in a state of bustle—men cooking rations, eating breakfasts, and preparing to resume their march.

Near here is where a part of Colonel Ashby's old command attacked the enemy's rear-guard day before yesterday, and drove them back. Several killed and wounded on both sides. Some twenty Yankee prisoners, captured within the last two days, are confined in the town. They are generally a miserable, low-lived set of fellows, but evidently glad they are out of tribulation. Not one of them will acknowledge that he belongs to the army of General Pope. They swear they are General Burnside's men. I asked one of them where the army appeared to be going. He replied: "Some to Warrenton Junction and some toward Alexandria." Citizens who live here report that they moved off evidently in great haste and confusion, and were terribly annoyed by our advanced cavalry. It is probably their intention to make a stand on the other side

of the Rappahannock, and endeavor to prevent our crossing. Lee is pressing them with great pertinacity.

August 28.—Twenty-eight miles from Manassas, four miles from the Rappahannock. It is now half-past six o'clock A.M., and heavy cannonading has commenced upon the front. Jackson is reported to have sent word to Lee that he is in possession of Warrenton Springs, fifteen miles to the left of Longstreet. Ewell is also said to have crossed the river above the enemy. Two bridges across Cedar Run and the Rapidan having been burned by the enemy, we cannot use the railroad until they have been rebuilt. One of the prisoners states that the iron and materials for the purpose are always near them, and it is understood that the work of reconstruction is rapidly going forward. If this be true, the army can soon be subsisted more conveniently even than at Manassas. There are no fortifications around Warrenton, but the position is naturally strong for either friend or foe.

Doc. 93.

REPORT OF BRIG.-GENERAL GILBERT
OF THE OPERATIONS ALONG THE LOUISVILLE AND
NASHVILLE RAILROAD.

HEADQUARTERS TENTH DIVISION,
AND TROOPS OF THE L. & N. R. R.,
LOUISVILLE, KY., January, 1863.

CAPTAIN: The commanding officers of the post and stockades which were assailed by Morgan's force in his recent attack on the Louisville and Nashville Railroad have been required to render a report to these headquarters of their respective commands, but as they are now much scattered, it will be some days before these reports can be collected for transmission. In the mean time, please accept the following in view of a more full report, which I can make on the receipt of those of my subordinate commanders.

Morgan's forces showed themselves in full strength at Cave City on the twenty-fourth of last month, and such were the accounts of his forces that I repaired from my headquarters at Lebanon Junction to Munfordville to assure myself that the means provided for the defence of that position had been properly applied. On my arrival, I found Colonel Hobson, commanding, fully prepared, his troops well posted, and the new set of earthworks on the north side of the ravine in good progress. I was much surprised to find those Parrott guns shipped for this post had not yet arrived. Leaving my Assistant Inspector-General, Captain Stacey, to proceed with the further inspection of the troops, I repaired to Louisville, and there found the missing artillery, as well as the implements of the two thirty Parrott guns, carried down to the train of that day, and placed in position. Early in the morning of the twenty-sixth the above artillery and artillery stores were despatched down the road, but it was too late. The train was turned back a short distance from Nolin, for the enemy had

passed around Munfordville and was then cannonading the stockade at Bacon Creek. The three guns above named lay in the Nashville depot for three days, waiting for transportation. The stockade at Bacon Creek was reduced that day, and the enemy passed on, not attacking the Nolin stockade for want of time, probably. On gaining Elizabethtown, Morgan found the Ninety-first Illinois in his way. It had been moved from the trestles in Muldraugh's Hill. The three stockades at this place were not finished, and this regiment was obliged to betake itself to the houses of the place. The delay occasioned here was considerable. Had the stockades been completed it would have been greater.

In dismissing a high officer for his neglect to push forward the work on these stockades, the Government vindicated the principles of discipline, but the act did not make cannon-proof shelters for the Ninety-first Illinois to fight from, and that regiment was obliged to do its best from the houses of the place. From Elizabethtown Morgan passed over to destroy the trestles about a mile apart. There had been prepared earthworks with platforms for artillery. Suitable pieces, however, it proved impossible to obtain. There was partial shelter for the men, and I hoped that with their muskets they could make good their hold on the place for one day—sufficient to allow the pursuing force to overtake the rebels. Lieutenant-Colonel Matson joined the regiment during the night, and took charge of the troops at both trestles, his lower one having been reinforced by two companies of the Seventy-eighth Illinois. Toward morning the enemy encompassed the position, and, to meet the emergency, Lieutenant-Colonel Matson called up to the Sulphur Fork trestle all of the troops. It was three P.M. before the artillery opened on our troops, and after somewhat more than an hour, the surrender took place. It was while returning from carrying my orders to this post that Lieutenant John Speed, my Aid-de-Camp, was intercepted and captured. I had some hope of being able to reinforce this position from Lebanon, but the demonstrations against the railroad leading to that point discouraged it. After the envelopment of the garrison at Sulphur Fork trestle, a company of the enemy's cavalry advanced along the road toward the Rolling Fork stockade, burning Can Run bridge. This is as far as the rebels came along the main stem. Next morning, just as they were about to open on Rolling Fork stockade, Colonel Harlan with his brigade and battery overtook them, and a battle ensued, resulting in their flight. Morgan's force was mounted, and he had with him seven or eight pieces of artillery, among which were some six-pounders, and possibly a twelve-pounder howitzer. Colonel Harlan was enabled to overtake him on account of the delays occasioned by the several stockades and detachments of troops that were planted in his way. Had the resistance been more prolonged, he could have been caught by Colonel Harlan in Muldraugh's Hill, and probably compromised to the extent of his heavier

guns. From first to last our casualties were small, and the several surrenders appear to have been induced more by the moral effect of the enemy's artillery than by destruction of life or the privations incident to a long siege.

In the stockade, as an element of defence for the railroad, I still have confidence; but I ask for troops to garrison them—well-seasoned soldiers. Of the stockades attacked only two were finished. Of these, one held out five hours, and required two or more changes of position before the guns brought to bear on it effected the reduction. This was the Bacon Creek stockade. The New-Haven stockade withstood the attack, and the garrison still holds it.

Before closing this report I must be allowed to express my regret that the dispositions to meet this attack on the road were not suffered to remain unchanged. The two cavalry regiments fitted out with light guns, with a special view to this service, have been called to a distant field of operations. The removal of the Thirty-third brigade, its battery and cavalry, first to Glasgow, and thence to the Cumberland River, deprived me of the means of moving compactly and rapidly on Morgan on his approach. The transfer of the Thirty-fourth brigade and its battery from Lebanon to Columbia, elicited a respectful protest from me at the time. That brigade resumed its place in time to protect Lebanon, but not in time to support Rolling Fork bridge and the trestles. In future, should the demands for forces be supplied by drafts on the railroad guards, the like result must follow. It is for my immediate superiors to decide where the sacrifice is to be made.

Very respectfully, your obedient servant,

C. C. GILBERT,

Brig-General Volunteers, Commanding Tenth Division,
and Troops on L. and N. R. R.

Captain A. C. SEMPLE, A. G.,

Headquarters District, West-Kentucky, Louisville, Ky.

Doc. 94.

THE SEVEN DAYS' CONTESTS.

GENERAL McCALL'S OFFICIAL REPORTS *

Of the part taken by his Division in the Battles of Mechanicsville, Gaines's Mills, and New-Market Cross-Roads, together with Statements of Generals Meade and Porter, and Colonels Stone, Fisher, Hays, Warner, Taggart, Roberts, Bollinger, and others.

HEADQUARTERS McCALL'S DIVISION,
CAMP NEAR HARRISON'S LANDING, August 16, 1862. }

Captain F. T. Locke, Assistant Adjutant-General:

SIR: I have the honor to submit herewith reports of the operations of my division in the battles before Richmond, on the twenty-sixth, twenty-seventh, and thirtieth June last, which have been unavoidably deferred by my capture at the close of the last day's battle and subsequent confinement in Richmond:

* See Volume V. REBELLION RECORD.

BATTLE OF MECHANICSVILLE, JUNE TWENTY-SIXTH.

On the afternoon of the nineteenth June I received through you the orders of General McClellan to move forward with the "greater part" of my division to Mechanicsville and relieve Taylor's brigade, (of Franklin's corps,) then the extreme right of the army of the Potomac. In accordance with this order I advanced the First and Third brigades, commanded respectively by Brigadier-Generals John F. Reynolds and T. Seymour, to Beaver Dam Creek, this side of Mechanicsville, and occupied a strong position on its left bank, near its junction with the Chickahominy. From this position I ordered one regiment of infantry and a battery to be thrown forward to the heights in front of the village to relieve Taylor, and a strong line of pickets to be established as far forward as Meadow Bridge. I held in reserve the Second brigade (Meade's) in front of Gaines's farm, ready to act either in support of the First and Third brigades, or to oppose the crossing at New-Bridge, should it be attempted.

The position selected on Beaver Dam Creek was naturally a strong one, the left resting on the Chickahominy and the right extending to dense woods, (beyond the upper Mechanicsville road,) which were occupied. The passage of the creek was difficult throughout the greater part of my front, and with the exception of the roads crossing at Ellerson's Mill, near my left, and that near my right, above mentioned, impracticable for artillery. On the right of the last-named road an *epaulement* calculated for four pieces of field-artillery was thrown up, and rifle-pits for a regiment each were constructed in front of each brigade. Cooper's battery, of six ten-pounder Parrott guns, on the right of the upper road, (four of them behind the *epaulement*,) and Smead's (regular) battery of four twelve-pounder Napoleon guns on the left of the road, commanded that approach. De Hart's (regular) battery of six twelve-pounder Napoleon guns was stationed near the front centre, commanding a more distant view of the same road, and also the lower road direct to the village by Ellerson's Mill. Easton's and Kern's batteries were with the Second brigade in reserve. In this position I awaited any movement the enemy might initiate. Cobb's Legion, of the confederate army, was encamped within view, on the opposite side of the Chickahominy, and A. P. Hill's division on his right, and about a quarter of a mile in the rear; detachments from both of which held two redoubts and an extensive line of rifle-pits along the crest of the highlands overlooking the river.

At about noon of the twenty-sixth the enemy was discovered to be in motion, and at half-past twelve my pickets at Meadow Bridge were driven in, whereupon those along the road were ordered to fall back. Not long afterward, when the head of his column appeared in front of Mechanicsville, the infantry and artillery there were withdrawn. In the mean time Meade's brigade had been ordered forward, and directed to occupy ground in rear of the line, where they would be

out of range of musketry and at practicable distance for the support of any part of the field.

My line of battle was formed in the following order, from right to left: On the extreme right were seven companies of the Second regiment, Lieutenant-Colonel McCandless; then six companies of the First Rifles, Major Stone; the Fifth regiment, Colonel Simmons; the First regiment, Colonel Roberts; the Eighth regiment, Colonel Hays; the Tenth regiment, Colonel Kirk; the Ninth regiment, Colonel Jackson, and the Twelfth regiment, Colonel Taggart, which occupied the extreme left. Meade's brigade, in reserve, consisted of the Third regiment, Colonel Sickel; the Fourth regiment, Colonel Magilton; and the Seventh regiment, Colonel Harvey. Easton's battery of four twelve-pounder Napoleon guns, and Kern's battery of six twelve-pounder howitzers, were also held in reserve. I should here mention that the Sixth regiment, Lieutenant-Colonel McKean, having been detached some days before, was at Tunstall's railroad station, while the Eleventh regiment, Colonel Gallagher, was on picket on the Chickahominy. These two regiments were consequently thrown out of the engagement, except that the Eleventh was brought forward on the morning of the twenty-seventh, and was under fire (losing one man) for a short time before being withdrawn. The Fourth regiment Pennsylvania cavalry, Colonel Childs, attached to the Pennsylvania reserves, was under arms and in readiness for any service that might be required of it, but was not called into action.

At about three o'clock P.M. the enemy's lines were formed in my front, and their skirmishers were rapidly advanced, delivering their fire as they came forward. They were speedily driven back by a discharge of artillery and a rattling reply of musketry. At this moment I rode along the front of several regiments, and I remarked in the cheerful and animated countenances of the men the promise of that brilliant success which they so nobly achieved in the sequel.

In a short time the enemy, who were commanded by General Robert E. Lee in person, boldly advanced in force under cover of a heavy artillery fire, and attacked my position from right to left. It was not long, however, before I was satisfied that his main attack was directed upon my right, and in consequence I ordered Kern's battery thither, and supported it by advancing from the reserve the Third regiment, Colonel Sickel. Here for a long time the battle raged with great fury. The Georgians now rushed headlong against the Second regiment, but only to be mowed down by those gallant fellows, whose commander soon sent to the rear some seven or eight prisoners taken in the rencontre.

After this the enemy retired for a time from the close contest on the right, but along the line from the right centre to the extreme left kept up a heavy general discharge of artillery and small arms, which, with the rapid reply of the reserves, was at times multiplied to an unbroken roar of thunder. Somewhat later in the day, a heavy column was launched down the road to Eller-

son's Mill, where another most determined attack in force was made. I had already sent Easton's battery to General Seymour, commanding the left wing, and I now despatched the Seventh regiment, Colonel Harvey, to the extreme left, apprehending that the enemy might attempt to turn that flank, by crossing the creek below the mill. Here again the reserves maintained their position, and sustained their character for steadiness in fine style, never retiring one foot during a severe struggle with some of the very best troops of the enemy, fighting under the direction of their most distinguished general. For hour after hour the battle was hotly contested, and the rapid fire of our artillery, dealing death to an awful extent, was unintermitted, while the greatly superior force of the enemy enabled him to precipitate column after column of fresh troops upon my nearly exhausted lines.

About sunset Griffin's brigade, of Morrell's division, arrived on the ground, together with Edwards's battery. I requested the gallant General to move his brigade to the extreme right, that being the weakest point of my position. Some time elapsed before these troops reached the ground indicated, and as the evening was now far advanced, only a portion of his force could be brought into action. A short time, however, before the close of the engagement, the Fourth Michigan, Colonel Woodbury, relieved the Fifth reserves, whose ammunition was exhausted, and two companies of the Fourteenth New-York joined the First Rifles and the detachment of the Berdan Sharp-shooters. Edwards's battery had been left by Griffin in reserve, and late in the evening I turned it over to General Seymour to be put in position on the left. About nine o'clock P.M. this well-contested action terminated by the withdrawal of the enemy with very heavy loss.

My attention was now directed to the cleaning of the arms and the issuing of ammunition, to be in readiness for the resumption of the combat in the morning. This consumed our time till one o'clock A.M. of the twenty-seventh. The troops had but little time for rest, as before daybreak I received through you General McClellan's order to withdraw my division and fall back to the rear of Gaines's Mills.

This order, I confess, gave me some concern. Had it reached me at midnight, the movement might have been accomplished without difficulty and without loss; but now it would be daylight before the movement, which, under fire, is one of the most delicate and difficult in war, particularly in presence of a greatly superior force, could be commenced. I, nevertheless, went to work without a moment's delay. Meade's brigade was the first to be withdrawn, but before this was accomplished the enemy opened fire upon us. His fire was promptly returned, and soon became general along the line. Under these circumstances great caution and deliberation became necessary to screen the movement, and consequently the troops had to be withdrawn slowly and at intervals. Meade's brigade, however, retired in excellent order. Griffin's brigade and bat-

tery I then ordered to withdraw; this was done coolly and successfully. Reynolds's brigade followed, during which movement a scattering fire was kept up, and this was continued until all the artillery was brought out of action. Lastly, Seymour's brigade was brought out. In fine, our killed had been buried, our wounded had been sent off by seven o'clock A.M., on the twenty-seventh, and not a man, nor a gun, nor a musket was left upon the field. The regiments filed past as steadily as if marching from the parade-ground; and it must have been some time before the enemy were aware that we were gone, as no attempt was made to follow us immediately.

My loss in this battle, as near as I have been able to ascertain, was thirty-three killed, and one hundred and fifty wounded.

The loss of the enemy was heavy beyond precedent in this war, in proportion to the numbers engaged. The strength of my division on the field did not exceed seven thousand, including officers; that of the enemy was somewhere near twenty thousand. Hill's division alone was officially reported in the Richmond papers at fourteen thousand in this battle, and was admitted to have been reduced by casualties, after the battle of New-Market Cross-Roads, to eight thousand. I learned from official authority, while a prisoner in Richmond, that General Lee's loss in killed and wounded at Mechanicsville did not fall short of two thousand. In the official returns published, it was admitted that the First North-Carolina lost nearly one half its effective force, and the Forty-fourth Georgia nearly two thirds. "Stonewall" Jackson's artillery was in the battle, with himself personally, although his infantry was several miles to the right of my position.

Where all so gallantly supported the honor of the flag, it would appear invidious to particularize, but my thanks are particularly due to Generals Reynolds, Meade, and Seymour; to Colonels Simmons and Taggart; to Lieutenant-Colonel McCandless and Major Stone, all of the reserves, and who were all zealous and active, as well as gallant, in the discharge of their arduous duties, throughout this well-fought action. The officers of artillery especially distinguished themselves, Easton, De Hart, Smead, Cooper, and Kerns. General Meade is entitled to credit for his promptness and zeal in carrying out all instructions conveyed to him, though not directly engaged. It is with much pleasure I acknowledge my obligation to Brigadier-General Griffin, who promptly brought his fine brigade to my support at a time when it was supposed to be needed. Also to General Morrell, who brought his division within supporting distance, and was ready to act had aid been required. My personal staff, Captain H. J. Biddle, Assistant Adjutant-General, and Lieutenants Scheetz and Meconkey, Aids-de-Camp, as well as Lieutenant Beatty, Acting Ordnance Officer, deserve special notice for their gallantry in carrying orders, and for the other duties incident to their offices.

REPORT OF THE PART TAKEN BY MCCALL'S DIVISION
(THE PENNSYLVANIA RESERVES) IN THE BATTLE
OF GAINES'S MILLS, ON THE TWENTY-SEVENTH
JUNE, 1862.

My division having been successfully withdrawn from its position near Mechanicsville, after the repulse of the enemy, on the morning of the twenty-seventh June, moved steadily and in order to the ground designated, in rear of Gaines's Mills, where it arrived at ten A.M.

Here I was notified by General Porter, that as my division had been engaged till late the previous night, and suffered from loss of sleep, and had been under fire for some hours in the morning, it would be held in reserve to-day.

As the different brigades of Porter's corps arrived on the ground, they were formed in line on the interior edge of the dense woods bounding the extensive plain of cleared farm lands, stretching some one thousand two hundred or one thousand five hundred yards back to the Chickahominy. These troops constituted the first line, and my division occupied the open ground some six hundred yards in the rear. The artillery occupied the space between the lines. The cavalry of my division, the Fourth regiment Pennsylvania, I placed under cover of the slope in rear.

At half-past three o'clock P.M. the enemy advanced and opened his fire. Very soon after the action commenced you ordered me to move forward the Second and Third brigades of my division to support the first line. This was immediately done, and in a style that called forth an expression of admiration from the Commanding General. These two brigades were soon under fire, in some instances the regiments going at once into line where intervals had been left, while in others they halted directly in rear of the line already formed. In a short time after this the First brigade of my division also was ordered forward, and soon became engaged. In the mean time the batteries of my division, Cooper's on the right and De Hart's, Easton's, and Kern's in the centre and on the left, were also advanced and shelled the enemy over the heads of the men in line.

The action had soon become general, and the fire in front of my division, which was near the centre of the line of battle, increased to a deafening roar of musketry, above which the artillery fire at times could scarcely be distinguished. The enemy was apparently drawn up in four or five lines, and one after another of them was thrust forward on my front as fast as the preceding one recoiled before the well-directed fire of the reserves, or at such short intervals that the thoroughly heated muskets of my men had not time to cool. In this way, for upward of three hours, my brave fellows were under fire, the regiments either relieving each other or some regiment of another division whose men had become exhausted. About this time, seeing some commotion on the left of my division, I rode rapidly to the ground and found that the Fourth regiment had been driven in and was being rallied by General Meade.

The line, however, was soon re-formed. I rode in front, addressed the men briefly, and they soon resumed their place in line of battle.

Every thing now on the left of my division was in successful and satisfactory operation; I therefore rode slowly along the line, halting for a short time in the centre, and then proceeding to the right. Here I found General Reynolds coming from the woods with the First and Eighth regiments of his brigade, he having relieved them and brought them out of action, in consequence of their ammunition being exhausted. He reported to me that the Fifth regiment had likewise nearly expended all its ammunition and ought to be relieved. On hearing this, I at once directed my Assistant Adjutant-General, Captain H. J. Biddle, to ride down the line and, if possible, to bring up a regiment (of Morrell's division, I think) that I had seen in reserve as I rode along the line. I now discovered a battery in rear of my extreme right, which, I thought, might be advantageously brought into action. I rode back to the spot and recommended a position in front to the officer in command, Captain Weed, of the Fifth artillery. He cheerfully assented and at once moved off to occupy the position. He had not proceeded far before I discovered a large number of men on the extreme left retiring. It soon became apparent that we had met with a reverse there. I rode out in the direction of the men and strove vigorously to rally them; and I placed a squadron of Indiana cavalry, I happened to find on the ground, in line, with orders to cut down any man who attempted to pass their line. My endeavor was partially successful. I also stopped two batteries that were in retreat and brought them into battery against the enemy, who just then appeared on the opposite hill-side; I thus checked their advance on this point.

About this time, French's division, with Meagher's brigade, arrived on the ground where I was, and I stopped the fire of the two batteries just brought into action while they passed down the hill in front. At the foot of the hill, however, they were met by General Fitz-John Porter, who halted the column of our friends, the sun being set and the enemy retired from view. My division retired in good order and destroyed the bridge opposite Trent's Hill (in compliance with General Porter's order) after they had crossed. On Trent's Hill the division lay upon their arms till morning.

The only occurrence of this day's battle that I have cause to regret (except the loss of many brave officers and men, whose fall I sincerely mourn) is the capture by the enemy of a large portion of the Eleventh regiment of the reserves, Colonel Gallagher commanding. This regiment of Meade's brigade had, in the course of the afternoon, relieved the Fourth New-Jersey regiment, Colonel Simpson, (Major United States Topographical Engineers,) the latter promising to support the former in case of being hard pressed. In the heat of the action, the Eleventh regiment becoming enveloped in the smoke of

battle, continued the fight after the rest of the line had retired, having been closely engaged with a rebel regiment in front; and before the Colonel was aware that he had been left alone on the field he found himself under fire of two regiments, one on either flank, besides the one in front. Notwithstanding the peril of his position, he gallantly kept up a galling fire on the advancing foe as he himself retired in good order on the Fourth New-Jersey.

Here, to crown his ill-fortune, he found that he, as well as Colonel Simpson, was completely surrounded, a strong force having already taken position in his immediate rear. The situation of these two brave regiments, which had so nobly maintained their ground after all had retired, was now hopeless; their retreat was entirely cut off by the increasing force of the enemy, who were still advancing, and they were compelled to surrender. No censure can possibly attach to either Colonel Gallagher or Colonel Simpson, or the brave men of their respective regiments, on account of this ill turn of fortune; but, on the contrary, they are entitled to the credit of having held their ground until it was tenable no longer.

I have only further to add, that throughout this day the reserves supported the character they had gained in the battle of Mechanicsville, on the afternoon of the twenty-sixth and the morning of this day.

My thanks are due to Brigadier-Generals Meade and Seymour for the aid afforded me in this hard-fought field.

I regret to have to report the capture of Brigadier-General John F. Reynolds, commanding First brigade, and his Assistant Adjutant-General, Captain Charles Kingsbury, who were taken prisoners while returning to the division on the morning of the twenty-eighth.

To the officers of my personal staff, and particularly to Captain H. J. Biddle, Assistant Adjutant-General, my thanks are due for gallant and efficient services.

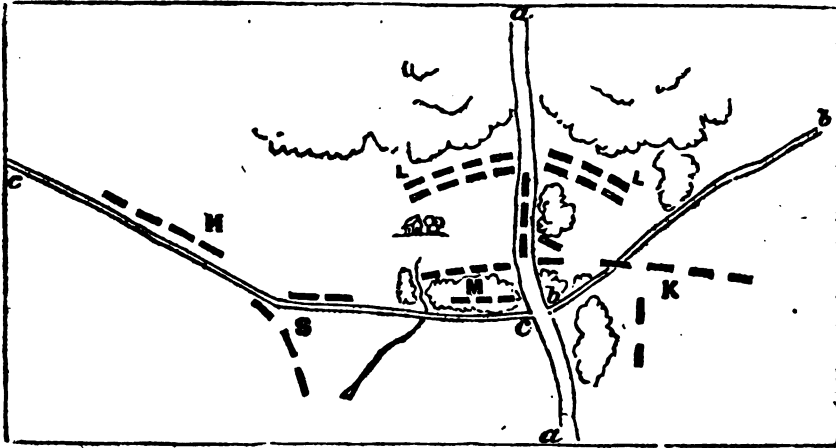
The loss of the division to-day was heavy; it is embraced in the total at the foot of this report.

BATTLE OF NEW-MARKET CROSS-ROADS, JUNE THIRTIETH, 1862.

On Friday evening, June twenty-seventh, after the battle of Gaines's Mills, my division crossed the Chickahominy to Trent's Hill, where it remained till eight o'clock P.M. on the twenty-eighth. At that hour I received your orders to move in the direction of White Oak Creek, and to take with me Hunt's reserve artillery, consisting of thirteen batteries. As this would extend my column many miles in length, and as my flank would constantly be exposed to attack, I placed the whole of the Third brigade, by regiments, between the batteries, to afford them support. This movement, owing to narrow and bad roads, was necessarily slow, and my division, after being all night on the march, did not reach the crossing of White Oak Creek until near noon on

the twenty-ninth. Having crossed the creek, I was ordered by the General-in-Chief to put my division in position to repel any attack by the enemy from the direction of Richmond. This I did, and I remained in position till five o'clock p.m. At that hour the march was resumed and continued by my command till I reached the Quaker road crossing of the New-Market road, at midnight. My orders were to take a position here to repel an attack from Richmond. Having

selected my position and established the First and Second brigades, and sent to the front a regiment of infantry and a battery, and a strong picket in advance of them, I kept the Third brigade in reserve, and awaited the result till near daylight, when I was ordered to return. I marched back, left in front, and reached the point where the Turkey Bridge road turns off from the New-Market road, about seven o'clock a.m. on the thirtieth. Here I was ordered to



NEW-MARKET CROSS-ROADS BATTLE-GROUND.

aa. New-Market Road.

bb. Charles City Road.

K. Kearny's Division.

cc. Turkey Bridge, (or Quaker Road.)

M. McCall's Division.

S. Sumner's Corps.

H. Hooker's Division.

LL. Longstreet's and Hill's Divisions.

halt till the whole of the immense supply-trains of the army of the Potomac, then slowly advancing from White Oak Creek, had passed toward James River, and to repel any attack that the enemy might make on it. At nine o'clock commenced the heavy cannonade, caused by the enemy attempting to force the passage of the creek, and it continued with little interruption till noon.

It was a determined artillery duel, but as I did not apprehend their ability to effect a passage, I at once came to the conclusion that any attack on myself must come from the direction of Richmond, on my right flank. I had thrown out a cavalry picket in that direction, and on afterward detecting indications of an advance of the enemy, moved out a regiment of infantry to strengthen the picket.

Having examined the country around me, I made the disposition of my troops, facing to the right flank, as follows, Meade's brigade on the right, Seymour's on the left, and held Reynolds's brigade, now commanded by Colonel Seneca G. Simmons, of the Fifth, in reserve. The artillery I established in front of the line, Randall's (regular) battery on the right, Cooper's and Kern's opposite the centre, and two German batteries, (accidentally with my division,) of four twenty-pound Parrott guns each, commanded by Cap-

tains Dietrich and Kennerheim, on the left of the infantry line.

The Fourth regiment Pennsylvania cavalry, Colonel Childs, was drawn up on the left and rear, but not being called into action, was subsequently ordered to fall back.

The country on my new front was open, embracing a large farm, intersected toward the right by the New-Market road and a small strip of timber parallel to it; the open front was eight hundred yards, its depth at least one thousand yards. It was a beautiful battle-field, but too large for my force, the lands on either flank being open. My disposition having been made, I calmly awaited the approach of the enemy.

About half-past two o'clock p.m., my pickets, after skirmishing, were driven in by a strong advance, but without loss on our side. At three o'clock the enemy sent forward a regiment on my left centre, and immediately afterward another on my right centre, to feel for a weak point. They were under cover of a shower of shell, and advanced boldly, but were both driven back, the former by the Third regiment, Colonel Sickel, and the latter by the Seventh regiment, Colonel Harvey. After this, I rode forward with the First Rifles, and placed them in a narrow skirt of timber on the left and in front. Soon after this, a very heavy column moved to the left

of my line, and threatened to take me in flank. I at once changed front on that flank, sending Colonel Simmons with two regiments of the First brigade to reinforce that quarter. This movement was promptly executed, but not a moment too soon, for a furious attack with artillery and infantry was almost immediately made on that flank. I, at the same time, directed Captain Biddle, Assistant Adjutant-General, to ride to the left and change the direction of fire of the two German batteries from the front to the left. This order was gallantly executed, but it is with deep grief that I have to state that this brave and valuable officer fell here mortally wounded.

For nearly two hours the battle raged fiercely, the enemy throwing in a perfect storm of shot and shell, and making several attempts to force my position. Always checked by the steadiness of my brave reserves, he at last retired for a time, driven back by the well-directed fire of musketry. During this attack the gallant and lamented Colonel Simmons fell, also mortally wounded.

It must not be imagined that the enemy was inactive along the centre and right of my line during all this time. Cooper's and Kern's batteries, in front of the centre, were boldly charged upon, each time a regiment dashing up to within fifty or forty yards. They were then hurled back by a storm of canister and the deliberate fire of the First regiment, Colonel Roberts, whom I had placed immediately in rear of Kern's, and the Ninth regiment, Colonel Jackson, in rear of Cooper's. The contest was severe, and put the steadiness of these regiments to the test; both suffered heavy loss, but particularly the First regiment, whose gallant Lieutenant-Colonel (McIntire) was severely wounded.

Some time after this, the most determined charge of the day was made upon Randall's battery, by a full brigade, advancing in wedge shape, without order, but with a wild recklessness that I never saw equalled. Somewhat similar charges had, as I have stated, been previously made on Cooper's and on Kern's batteries by single regiments without success, the confederates having been driven back with heavy loss. A like result appears to have been anticipated by Randall's company; and the Fourth regiment (as was subsequently reported to me) was requested not to advance between the guns as I had ordered, as it interfered with the cannoners, but to let the battery deal with them. Its gallant commander did not doubt, I am satisfied, his ability to repel the attack, and his guns fairly opened lanes in the advancing host. These gaps were, however, immediately closed, and the enemy came on, with arms trailed, at a run, to the very muzzles of his guns, where they pistoled or bayoneted the cannoners. Two guns were limbered, and were in the act of wheeling to the rear when the horses were shot, the guns were both overturned, and presented one confused heap of men, horses, and carriages. Over all these the men of the Eleventh Alabama regi-

ment dashed in, a perfect torrent of men, and I am sorry to say the greater part of the Fourth regiment gave way. The left company (Captain Conrad) of that regiment, however, stood its ground, and with some fifty or eighty men of other companies met the Alabamians.

I had ridden into the regiment and endeavored to check them; but, as is seen, with only partial success. It was here, however, my fortune to witness between those of my men who stood their ground and the rebels who advanced, one of the fiercest bayonet-fights that perhaps ever occurred on this continent. Bayonets were crossed and locked in the struggle; bayonet wounds were freely given and received. I saw skulls crushed by the heavy blow of the butt of the musket, and, in short, the desperate thrusts and parries of a life-and-death encounter, proving, indeed, that Greek had met Greek when the Alabama boys fell upon the sons of Pennsylvania.

My last reserve regiment I had previously sent to support Cooper, and I had not now a man to bring forward. My men were bodily borne off the ground by superior numbers. A thick wood was immediately in rear, and the confederates did not follow my men into the thicket. It was at this moment, on witnessing the scene I have described that I bitterly felt that my division ought to have been reinforced.

My force had been reduced, by the battles of the twenty-sixth and twenty-seventh, to less than six thousand, and on this occasion I had to contend with the divisions of Longstreet and A. P. Hill, estimated amongst the strongest and best of the confederate army, and numbering that day from eighteen to twenty thousand.

The centre was at this time still engaged and I could not withdraw any troops from it.

The Alabama troops did not attempt to enfilade my line, and leaving the guns on the ground, (the horses having, during the fight, been either killed or dispersed,) they retired to the woods on my right.

It was now near sunset and the heat of battle had greatly subsided. I now rode to the rear to rally and collect the stragglers. At a short distance I came upon two regiments of Kearny's division. I requested them to move forward, but was informed their orders were to await the arrival of General Kearny. I moved on and set some officers at work to form the stragglers of my own regiments into line. On my return I found General Kearny. He put his regiments in motion and moved to the front and on the right of my line.

As he rode away he said to me: "If you can bring forward another line in a few minutes we can stop them." By this time the sun had set, and the desultory firing was confined to the extreme right.

In a short time Lieutenant-Colonel Thompson, Third regiment, came up and reported to me that he had collected about five hundred men, with whom he was then advancing. I rode on with him at the head of the column in a direction to bring this force up on Kearny's left.

On arriving near the ground where Randall's battery stood, I halted Thompson's command, wishing to ascertain whether any of my men were still in front of me. I had left Captain Conrad's company about one hundred yards in advance, but it was now so dark I could scarcely distinguish a man at ten paces. The battle, in fact, was now over; the firing on the left and centre had ceased, and there was only a desultory firing between Kearny's men and the enemy, some distance to my right. I rode forward to look for Conrad, and on the ground where I left him I rode into the enemy's picket, the Forty-seventh Virginia, Colonel Mayo, resting under some trees, and before I knew in whose presence I was, I was taken prisoner. Unfortunately for myself, I had no staff-officer with me, or I should have sent him forward to examine the ground, instead of going myself; but my Adjutant-General, the valiant Captain Henry J. Biddle, had been mortally wounded; Lieutenant Scheetz had his horse killed, and was injured by the fall; my Chief of Ordnance, the gallant Beatty, had been severely wounded at my side, and only left me when I had insisted on his doing so; my excellent *Orderly*, Sergeant Simeon Dunn, Fourth Pennsylvania cavalry, was also fatally wounded at my side, and out of my escort of a captain and twenty men of the Fourth cavalry, but one corporal (the brave King) and one private remained with me; these two men were made prisoners with myself. About the time I was taken prisoner the desultory firing on my right died away.

The conduct of the Pennsylvania reserves on this hard-fought field is worthy of all praise, as is fully attested by their stubborn resistance and their heavy loss in killed and wounded. Besides the officers I have already named, I am greatly indebted to the gallant commander of the Second brigade, General George G. Meade, who rendered me efficient aid until his wounds compelled him to leave the field. My thanks are likewise due to Colonel Roberts, commanding First regiment; Colonel Sickel, commanding Third regiment; Colonel Hays, commanding Eighth regiment; Colonel Jackson and Captain Cuthbertson, of the Ninth regiment, and other brave officers not commanding regiments, of whom Lieutenant-Colonel McIntire and Major Wollworth are among the many wounded. I must also name as entitled to favorable notice, Acting Division-Surgeon Stocker, who accompanied me in the early part of the day, and assisted in communicating my orders until slightly wounded in the wrist by the fragment of a shell. Indeed, to all are my best thanks and praises due for bravery contributing to the important results, namely, the defence of the immense supply-train while passing that point and the holding the enemy in check upon the New-Market road, where he strove desperately to cut in two the retreating column of the army of the Potomac.

The trophies of the day were three stands of colors captured and about two hundred prisoners.

The loss of the division in killed, wounded, and

prisoners in the three battles of the twenty-sixth, twenty-seventh, and thirtieth of June was three thousand one hundred and eighty, the killed and wounded amounting to one thousand six hundred and fifty, out of about seven thousand who went into battle at Mechanicsville on the twenty-sixth of June.

I am, very respectfully, your obedient servant,
 GEORGE A. MCCALL,
 Brigadier-General Commanding Division.

TESTIMONY BEFORE THE JOINT COMMITTEE ON THE
 CONDUCT OF THE WAR.

*General George A. McCall, sworn and examined
 by Mr. Corode:*

Question.—It has been reported that on some one occasion during the Peninsula campaign the Pennsylvania reserves, under your command, were "routed." Will you please state whether or not such is the fact, and the particulars, if any, that gave rise to such report?

Answer.—The only report in existence, I believe, to which your inquiry can refer, is the report of General Joseph Hooker, United States volunteers, of the part taken by his division in the battle of June thirtieth, in front of Richmond, called by him the "battle of Glendale," published in *Wilkes' Spirit of the Times*, of November first, 1862. In this report that officer states "*the whole of McCall's division was completely routed*," etc. This sweeping assertion was regarded by every officer and man of my division as exhibiting a misapprehension of facts that was perfectly incomprehensible, and it caused me to add to my official report of that battle (which I designated "New-Market Cross-Roads") to General McClellan a supplemental report refuting this charge and exhibiting evidence to show that it was not in accordance with facts.

Now, in order, sir, that your question may be comprehensively answered, I must premise that of the several attacks made on the right flank of the Union army while retiring from the front of Richmond, upon James River, one of the most formidable was that commanded by General Robert E. Lee in person, on Monday, the thirtieth of June, 1862. The Federal troops, more or less engaged in this battle, were Sumner's corps, and McCall's, Kearny's, and Hooker's divisions. General McClellan was not present at this point, and the corps and the divisions here named manœuvred and fought independently, except that the several commanders were instructed to maintain their positions, and protect the army trains then moving on toward James River. To "McCall's division" was assigned, by order of the General-in-Chief, (through General Porter,) a position a short distance in front of the point where the line of march turned abruptly from the New-Market road toward the river. I accordingly formed my division in two lines, crossing at right angles the New-Market road, and in front of the Turkey bridge (or Quaker) road leading to the river, and along which the trains were then moving. Sumner's position was at some distance to the left of mine,

and somewhat retired; Hooker was on Sumner's left, and slightly advanced; Kearny was on the opposite side of the road, and consequently on my right; there was more or less interval between each two. The confederate forces advanced from Richmond down the New-Market road, Lee's object being to cut or break through the Union army at this point. Had he succeeded in doing so he could have seized and strongly occupied the only two approaches to James River, and then the left wing of our army (Heintzelman's and Franklin's corps) would inevitably have been cut off from McClellan, and the right wing would have been taken in rear on its march. That this was Lee's object, as it was his expectation to accomplish it, is established by the declaration of General Longstreet, "*that if McClellan's division had not fought as it did, they would have captured the Federal army.*" (See Surgeon Marsh's testimony herewith.) And from the disposition of Lee's forces, it necessarily followed that the brunt of the attack would be on my position. It was so; and to my division, which had been fighting and marching for four days and nights, without rest for a single night, it was, indeed, a desperate affair. My division with the exception of an unimportant reinforcement, had fought the battle of Mechanicsville single-handed, on the twenty-sixth, and had inflicted on Lee the only defeat the confederates acknowledged they sustained in front of Richmond; their own accounts admitting "*they were repulsed at every point with unparalleled loss.*" On the twenty-seventh, my division fought again at Gaines's Mills, and having lost heavily in the last battle, they were now reduced to about six thousand men. On the thirtieth, at New-Market Cross-Roads, the attack was made on my division by Longstreet's and A. P. Hill's divisions, crack troops, and about eighteen thousand strong. For some time my division alone was engaged; several attempts having been made to find a weak point in my line. From the nature of the ground I was ordered to occupy, both my flanks were unavoidably more or less exposed, and about five P.M. my left flank was threatened by a heavy body of the enemy. Having detected this at once, I ordered the Fifth and Eighth regiments from my second line to support the left, and directed a change of front there of both infantry and artillery. This was promptly done, but not a moment too soon. The advance of the enemy under cover of a terrific artillery fire, was gallantly met, and his line was broken and completely routed, and over two hundred prisoners taken by the Fifth, Eighth, and Tenth regiments, commanded by Colonels Fisher and Hays, and Lieutenant-Colonel Warner, respectively. (See their reports herewith.)

Immediately after this, a still heavier body of the enemy advanced rapidly. My regiments had necessarily become somewhat disordered by the very impetuosity of their charge, and were also weakened by the detachments required to conduct their prisoners to the rear. The enemy, greatly superior in numbers, was upon them be-

fore they had time to re-form, and they in turn were compelled to retire, which they did, directly to the rear. At the same time (by this advance of the enemy) the Twelfth regiment, which had been divided and detached by General Seymour, of the Third brigade, commanding the left wing of the division, after it had been established in line by myself, was cut off from the rest of my line and driven to the left and rear. Simultaneously the cannoneers of a section of a battery belonging to Porter's corps, and left that day with me, fled with their horses and limbers on the approach of the enemy, breaking through the four companies of the Twelfth, their support, and trampling the men. This confused mass, together with the other six companies of the Twelfth and the detachments of the Fifth, Eighth, and Tenth, who, as before stated, were carrying prisoners to the rear, were hurried down a little by-road between Sumner and Hooker, and in part, possibly upon the latter, closely followed by the enemy. The enemy, suddenly and unexpectedly coming on *fresh troops*, for Sumner and Hooker had not hitherto been engaged, soon recoiled, and were driven over upon my centre, (not on Kearny, as stated by Hooker. See Colonel Stone's report.) Meantime, the Fifth, Eighth, Tenth, and Rifles, who, as already remarked, had retired immediately in rear of their own ground, and to the right of Sumner, were rallied individually by their colonels, and subsequently came forward under them, the Brigade Commander not being present. (See reports of Colonel Hays and others.) This temporary reverse of Seymour's brigade, (one out of three brigades,) you perceive, has been magnified into the complete rout of McClellan's whole division. But to show you, sir, what effect this reverse had on the division, I have it in evidence by officers at that moment engaged in the centre of the division, (see report of Lieutenant-Colonel McIntire and others herewith,) that it was not known or even heard of in their vicinity until the next day or after the battle was over. I was with the centre at the time, and it was not known to me at that time, nor at the time I returned to Harrison's Landing, (from Richmond,) where my official report of that battle was written; for, as already remarked, the enemy, repulsed by Sumner and Hooker, was thrown on my centre, whence they were finally repulsed by my division.

I have stated that both my flanks were unavoidably more or less exposed; that on the left I have already described. On the right, *more than one hour later in the day*, Randall's battery was charged upon by the enemy in great force, and with a reckless impetuosity I never saw equalled; they advanced over a space of six hundred yards of open ground. The guns of the battery mowed them down at every discharge, yet they never paused. A volley of musketry was poured into them at short distance by the Fourth regiment, in support of the battery, but it did not check them for an instant; they dashed on and bayoneted or pistoled the cannoneers at their guns. Part of the Fourth gave way; the

remainder, however, with part of the Seventh in their rear, (then coming forward,) stood their ground like heroes. I was with the battery at the time, and it was my fortune to witness in the bayonet-fight that there took place, such a display of reckless daring on the part of the Alabamians, and of unflinching courage on the part of the Pennsylvanians, as is rarely beheld. My men were, however, overpowered by numbers and borne off the ground. The battery was taken, but immediately abandoned by the enemy, who rapidly retired. These reverses on the flanks were the only serious discomfitures during the day. (See report of Assistant Adjutant-General Clarke, Captain Cuthbertson, Colonel Roberts, Lieutenant Watmough, A. D. C., and others, herewith.) Just before sunset, about seven o'clock P.M., at least two hours after Hooker reported my whole division completely routed, Cooper's battery, in front of the centre, was, after several charges had been repulsed, finally taken by the enemy, but only to be retaken by the Ninth regiment, in a most glorious charge, (see Captain Cuthbertson's report,) wherein the standard of the Tenth Alabama was captured by private William J. Gallagher, of company F, who killed the rebel color-bearer and seized the standard, which he presented to me on the ground.

I have no desire to treat lightly the reverses on both flanks of my division in this hard-fought field; they were the almost inevitable results of greatly superior numbers, impelled on those points with great impetuosity; but the *Pennsylvania reserves*, as a division, although terribly shattered, were never "routed," they maintained their ground, with these exceptions, for *three hours* against thrice their numbers, in, I believe, the hardest fought and bloodiest battle in which they ever have been engaged, and in this opinion I am sustained by most of those officers, if not all, with whom I have conversed on the subject.

Had my division been routed, the march of the Federal army would certainly have been seriously interrupted by Lee forcing his masses into the interval—see General Porter's statement herewith. When I was surrounded and taken prisoner, I was conducted at once to Lee's headquarters. Here Longstreet told me they had seventy thousand men bearing on that point, all of whom would arrive before midnight; and had he succeeded in forcing McClellan's column of march, they would have been thrust in between the right and left wings of the Federal army. Now, under this very probable contingency, had I not held my position, (see General Porter's report herewith,) the state of affairs in the left wing of McClellan's army would have been critical indeed; but Lee was checked (as Longstreet admitted) by my division, (see Surgeon Marshall's report herewith,) and the divisions in the rear, together with the *Pennsylvania reserves* and others, moved on during the night, and joined McClellan at Malvern Hill before daylight. *What share my division had in effecting this happy result let the country judge.*

Individually, I labored under great disadvan-

tages in this battle, having sooner or later in the day lost all my brigade commanders, Colonel Simmons, commanding First brigade, (since the capture of General Reynolds, on the twenty-seventh,) having been mortally wounded early in the day; General Meade, commanding Second brigade, wounded and compelled to retire; and General Seymour, commanding Third brigade, having disappeared, (see Colonel Hays's report.) In addition to all this, in the course of the day all my staff were killed, wounded, or put *hors de combat*; my faithful Orderly was mortally wounded at my side, and my personal escort, a Captain and twenty men of Fourth cavalry, killed, wounded or dispersed—two only excepted—having been myself almost all day under the hottest fire I ever experienced, encouraging my men under all these disadvantages.

The trophies I won this day were between two hundred and three hundred prisoners, (see reports of Colonels Hays, Warner, and Fisher,) and three stands of colors. These colors are now (they were a short time since) in the Adjutant-General's office, Washington, and are duly labelled with the names of the captors.

I here insert, from a quantity of testimony in my possession, the following extracts from officers of rank:

First—

WASHINGTON, October 20, 1862.

To General McCall:

... Had not McCall held his place on New-Market road, June thirtieth, that line of march of the (Federal) army would have been cut by the enemy.

F. J. PORTER,

Major-General Commanding Fifth Provisional Corps.

Second—

CAMP NEAR WASHINGTON, VA.,
November 7, 1862.

To General McCall:

... It was only the stubborn resistance offered by our division, (the Pennsylvania reserves,) prolonging the contest till after dark, and checking till that time the advance of the enemy, that enabled the concentration during the night of the whole army on James River, which saved it.

GEORGE G. MEADE,
Brigadier-General Volunteers.

TESTIMONY OF OFFICERS OF THE PENNSYLVANIA RESERVES.

Colonel Roy Stone, One Hundred and Fortyninth Pennsylvania Volunteers, late Major Commanding First Rifles, (Bucktails,) to General McCall:

[Extract.]

WASHINGTON, November 8, 1862.

... At the battle of New-Market Cross-Roads, June thirtieth, 1862, my regiment was not actively engaged until after the brilliant and successful charge made by several regiments of the left wing, which resulted in driving back the enemy's advanced line and capturing a large number of prisoners. These regiments, whose ranks were necessarily somewhat broken by the very impetuosity of their charge over broken

ground and into timber, but especially by the detachments which were required to bring in their prisoners, were ordered to re-form in front of the farm-house, and I was sent to the left to cover the formation. The enemy, however, gave our men no time to re-form, but pushed a solid column of overwhelming numbers out of the woods on our left and front, compelling our men in turn to retreat. This advance of the enemy might have been checked by the Dutch battery belonging to General Porter's corps, and temporarily with your division that day; but it was deserted by its gunners on the first appearance of the enemy. Some men on the extreme left of our advanced line above referred to were cut off from their companions by the enemy's rapid advance, and were obliged to retreat to the left. These were probably the men who reached Hooker's first line.

Meantime the enemy (recoiling from Sumner and Hooker) turned to the left and was repulsed by your centre. About sunset I was ordered to the right, and went directly to the ground occupied by me when the action commenced, and I can bear witness that the ground held by the centre of your division when the battle opened, was held by your troops in the face of a large force of the enemy long after dark; and so far as my observation extended, the only regiments that broke in the early part of the fight were those that had become disordered by their own charge into the enemy's line.

ROY STONE,
Colonel One Hundred and Forty-ninth P. V.,
late Major Commanding First Rifles.

Colonel J. W. Fisher, Commanding Fifth Regiment Pennsylvania Reserves, to General McCall:

WASHINGTON, February, 1863.

... At the battle of New-Market Cross-Roads, June thirtieth, 1862, the Fifth regiment, under my command, was ordered to reinforce the Third brigade, General Seymour, on the left of the division, soon after the action commenced, and took position on the right of the Eighth regiment. In the charge upon the advancing enemy we captured one hundred and two prisoners, and sent them to the rear. If these regiments had been permitted to retire with their prisoners, instead of being ordered by General Seymour to form under the fire of another body of the enemy then advancing, they would not have broken, but would have formed in time to receive the enemy.

J. W. FISHER,
Colonel Commanding Fifth Regiment.

Colonel G. S. Hays, Commanding Eighth Regiment Pennsylvania Reserves, to General McCall:

[Extract.]

WASHINGTON, February 10, 1863.

... At the battle of New-Market Cross-Roads, June thirtieth, 1862, my regiment was ordered to support the Third brigade, General Seymour. We soon encountered the enemy, but having three times our number to contend

with, we fell back to the woods; as it was, we took eighty-four prisoners. Some of these, however, got away, owing to the great fatigue of our men. Afterward I went back, with the intention of recovering the body of Colonel Simmons, commanding our brigade, (the First.) In crossing a ravine, my horse was struck with a shell. Having reached my colors on foot, I ordered one of my men to find General Seymour, as I wished to be relieved on account of injuries received by the fall of the horse upon me. This he reported at a late hour he could not do, and the report at that time was that you were killed. Not being able to find General Seymour, commanding brigade, I ordered the line to advance and take a position in the field immediately in front of where General Seymour had been in the commencement of the action. We lay there till four o'clock the next morning, and so near the enemy that we could hear the voices of officers giving orders. We were exceedingly unfortunate in losing our Acting Brigadier, Colonel Simmons. He would have been of great service to you.

GEORGE S. HAYS,
Colonel Commanding Eighth Regiment Pennsylvania Reserves.

Lieutenant-Colonel A. J. Warner, Commanding Tenth Regiment Pennsylvania Reserves, to General McCall:

[Extract.]

GROESBECK, (Hospital,) January 15, 1863.

... At New-Market Cross-Roads, June thirtieth, 1862, the regiment kept its position on the left, (Seymour's brigade,) where it was stationed by yourself during the artillery contest that preceded the infantry attack. When the enemy made his first advance across the open field in our front, the Tenth regiment, with others of the reserves, charged upon them, utterly destroying their lines and scattering them in every direction. The regiment took over a hundred prisoners in this charge. The regiment was again ordered in line by General Seymour, and sustained a most severe shock in the second attack of the enemy, suffering severely in killed and wounded. Upon being flanked and nearly surrounded by the rebels, the regiment fell back, skirmishing through the woods in our rear. The enemy being checked in these woods, the regiment again formed in line, with others of the reserves who were rallied at this point, and moved forward to within a hundred yards of the ground it held at the beginning of the battle. Here it remained in line of battle till eleven o'clock at night, when it was ordered to move to Malvern Hill.

A. J. WARNER,
Lieutenant-Colonel Commanding Tenth Regiment
Pennsylvania Reserves.

Colonel John H. Taggart, Commanding Twelfth Regiment Pennsylvania Reserves, to General McCall:

[Extract.]

WASHINGTON, November 3, 1862.

... My regiment, on the thirtieth of June, at New-Market Cross-Roads, was assigned a po-

sition by yourself on the left of your division. Shortly afterward General Seymour made a charge, posting six companies in a breastwork of logs hastily constructed, and four companies as a support to two twenty-pounder guns of the Dutch battery. At five P.M., a sudden and vigorous attack was made on my left and front. . . . My men opened fire on the advancing foe, but the charge was so impetuous that after a short hand-to-hand struggle, in which many men were killed and wounded, the six companies under my command fell back to the left and rear. Afterward a new line was formed, and a large number of men fought side by side with a Massachusetts regiment, belonging, as I understood, to General Hooker's division. At the time my regiment was forced in, a number of our men, perhaps one hundred and fifty or two hundred, passed down the road between Sumner's and Hooker's lines. These men were carrying off a number of prisoners taken by them in front.

JOHN H. TAGGART,
Late Colonel Twelfth Regiment Pennsylvania Reserves.

Having been present with the Twelfth regiment on the thirtieth June, 1862, when driven in, my company joined a regiment of General Hooker's division, and was actively engaged; and there, indeed, one fourth of my men were either killed or wounded.

CHILL HAZZARD,
First Lieutenant Twelfth Regiment Commanding Company.

*Lieutenant and Adjutant Theodore McMurtrie,
Twelfth Regiment Pennsylvania Reserves, to
General McCall:*

[Extract.]

WASHINGTON, November 18, 1862.

On the day of New-Market Cross-Roads, June thirtieth, our regiment (Twelfth) was with the remainder of the division, ordered into line of battle under your personal supervision. After you had moved to the right of the division, Brigadier-General Seymour made other disposition of the regiment, whereby six companies were detailed to go to the left and front of the original line of battle, behind a barricade of rails. After sustaining the enemy's fire for some time, these companies gave way and retired by a left flank movement to the rear, under charge of Colonel John H. Taggart, commanding. The companies left with me being unsupported and in danger of being flanked by the enemy, who opened a heavy fire on our left, enfilading us, they broke and retreated directly to the rear, where many of them rallied in the new line there formed through the gallant exertions of Major Stone, First Rifles, and other officers, who, with myself, did their utmost to rally the men, and succeeded. No part of the men composing the four companies left with me broke through any of the divisions on the left of our own line of battle, but rallied again directly in the rear.

THEODORE McMURTRIE,
Lieutenant and Adjutant Twelfth Pennsylvania Reserves.

Lieutenant-Colonel H. M. McIntire, First Regiment Pennsylvania Reserves, to General McCall:

[Extract.]

WASHINGTON, January 3, 1863.

In the battle of New-Market Cross-Roads, the regiment to which I belong occupied a central position in the division, and at sun-set, (a quarter past seven P.M.,) at which time I was wounded and left the field, the regiment still held the ground they had from the first. I knew nothing of the left being driven back, nor was it known in our vicinity.

HENRY M. MCINTIRE,
Lieutenant-Colonel First Regiment Pennsylvania Reserves.

Captain John Cuthbertson, Ninth Regiment Pennsylvania Reserves, to General McCall:

[Extract.]

WASHINGTON, Nov. 4, 1862.

GENERAL: In answer to questions by you relative to the conduct of the Ninth regiment at the battle of New-Market Cross-Roads, June thirtieth, I would respectfully reply, this regiment at commencement of action was placed in support of Cooper's battery. The enemy consumed a couple of hours in a number of ineffectual attempts to take this battery, several times charging up within a few yards of the guns, but each time driven back with slaughter. About six o'clock this regiment was ordered to the left, the enemy apparently making headway in that direction, and moved to the position assigned, leaving other troops to support the battery. When the enemy on the left was repulsed, we were moved to the rear of the battery, which had just been taken by the enemy. The regiment was ordered to retake the battery, and the men advanced, cheering lustily, to the attack, although it was in possession of a superior force, and the enemy defended it with great vigor. A hand-to-hand struggle ensued, muskets were clubbed and bayonets were used, the enemy were driven from the guns, fleeing in great confusion, our men after them, to the road leading to Richmond. Here our men were with difficulty halted, I having to catch hold of the color-bearer to stop him. The regiment then fell back. Soon after a body of the enemy, several times our number, came up and were at once engaged, our men behaving with a valor and heroism that could not be surpassed. Although not over fifty yards separated us, and officers and men fell rapidly under the terrible fire, not a man faltered. In a few minutes a musket-ball passed through both my thighs; it was then nearly dark, and as I was carried off I could see my gallant comrades were still maintaining the unequal contest with a recklessness of life that astonishes me now, when I calmly reflect on it. As nearly as I can estimate it was near eight o'clock when I was wounded.

I was the senior Captain, temporarily in command of the regiment at the time. This regiment, during the battle, was not at any time in the rear of the line of battle adopted by you.

JOHN CUTHBERTSON,
Senior Captain Ninth Regiment Pennsylvania Reserves.

Colonel R. Biddle Roberts, Commanding First Regiment Pennsylvania Reserves, to General McCall:

[Extract.]

HARRISBURGH, NOV. 7, 1862.

My regiment held a position near the centre of your line, in the battle of New-Market Cross-Roads, June thirtieth. You will remember that, soon after the battle commenced, I received a personal order from you to advance the regiment to the support of Kern's battery, which was at once done. From this position I had a view of portions of the three brigades of your division. We received three distinct charges from the enemy, which were repulsed successfully. We suffered severely, but fought to the close of the day, when we were relieved by fresh troops.

R. BIDDLE ROBERTS,

Late Colonel First Regiment Pennsylvania Reserves.

Colonel H. C. Bollinger, Commanding Seventh Regiment Pennsylvania Reserves, to General McCall:

[Extract.]

WASHINGTON, DEC. 22, 1862.

At the battle of New-Market Cross-Roads, June thirtieth, the Seventh regiment was stationed on the right of the line of battle, in rear of the Fourth regiment and a battery (Randall's) of artillery. . . . The enemy advanced on the battery, they were received by a volley of musketry from the Fourth regiment, at very short range, but it did not stop their advance upon the guns. The battery kept up an incessant fire, making gaps in their ranks at every fire, yet they pressed steadily forward, and when they came up to the guns it became a hand-to-hand fight, men freely using their bayonets and clubbing their muskets. At this time my horse fell, and when I went down a rebel made for me with drawn sword, but was met by one of my men with bayonet and killed on the spot. We were overpowered and driven from the guns. We rallied and once more recovered the pieces of artillery, after one of them had been turned upon us and its contents fired into our ranks. Afterward myself, and such men as I could muster, charged across the same field to the front of where we first encountered the enemy, just as the sun was setting, and when we left the field it was so dark that we could not distinguish friend from foe.

H. C. BOLLINGER,

Col. Commanding Seventh Regiment Pennsylvania Reserves.

Captain James C. Clark, Assistant Adjutant-General, Seymour's Brigade, to General McCall:

[Extract.]

WASHINGTON, NOV. 1, 1862.

The attack in the early part of the engagement (New-Market Cross-Roads, June thirtieth) on the left, was in force and impetuous, not to be withstood. Some of the regiments gave way. Had the division been routed, the fight could not have been continued as it was, and the field have been held until sundown by you. I came to you, as you remember, about seven o'clock in the even-

ing, and asked if you had seen General Seymour recently. I noticed that you were nearly alone and I offered my services. As this was at a late hour, and you were then directing the fight, the division could not have been routed. The large number of prisoners brought in by the reserves, and sent to the rear, is another evidence that the ground was well contested.

JAMES C. CLARK,

Assistant Adjutant-General Third Brigade.

Lieutenant and Aid-de-Camp William W. Watmough, General Meade's Staff.

[Extract.]

WASHINGTON, NOV. 9, 1862.

I was forced to leave the field (New-Market Cross-Roads, June thirtieth) about half-past seven P.M. by reason of a wound, and at that time every thing, I thought, was going on finely. The division was in possession of the position you first assigned it at the opening of the engagement. I think our conduct on that occasion is well testified by the presence in the Adjutant-General's office, Washington, of three rebel flags, that were taken during the engagement by our division.

W. W. WATMOUGH,

Aid-de-Camp, etc.

Surgeon N. F. Marsh, Fourth Pennsylvania Cavalry, McCall's Division, to General McCall:

WASHINGTON, NOV. 23, 1862.

GENERAL: After the battle of thirtieth June, I remained at Willis's Church, with a large number of our wounded. The next morning I was directed by General Jackson (Stonewall) to report to General Lee. I found General Lee in company with Generals Longstreet, Magruder, and Hill, on the New-Market road. I addressed General Lee, and informed him that I was a Federal surgeon, and had remained to care for our wounded, and wished protection and supplies for our men. He promised supplies, and directed General Longstreet to write the necessary permit. At the time I approached they were discussing the battle of the previous day, being then on the ground. General Longstreet asked me if I was present. I replied I was. He asked what troops were engaged. I replied I only knew the division I was connected with—McCall's—which fought just where we then were. General Longstreet said: "Well, McCall is safe in Richmond; but if his division had not offered the stubborn resistance it did on this road, we would have captured your whole army. Never mind, we'll do it yet."

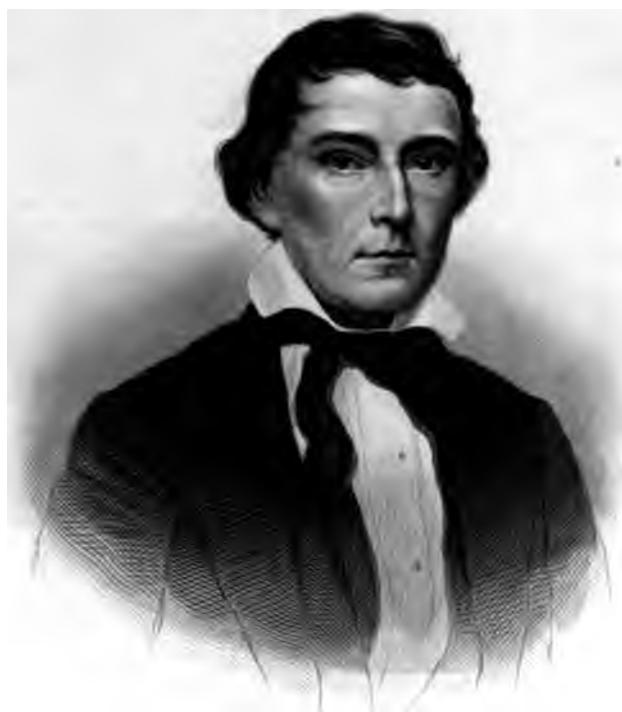
On Thursday, third July, General Roger A. Pryor came into the church, (hospital,) and we had a long conversation. He repeated in substance what General Longstreet said, and spoke in the highest terms of the "pluck displayed by McCall's Pennsylvania troops."

The interest I felt in the reserve corps made me careful to remember these acknowledgments of the rebel generals.

I have the honor to be your obedient servant,

N. F. MARSH,

Surgeon Fourth Pennsylvania Cavalry.



H. 27. 1. 1851

ALEXANDER H. STEPHENS.

Surgeon James R. Riley, (now of) the One Hundred and Twenty-seventh Regiment Pennsylvania

A. L. MAGILTON, Colonel Commanding Fourth regiment.

J. W. FISHER, Colonel Commanding Fifth regi-

ment.

upon the whole subject. And, that



H. H. H.

ALEXANDER H. STEPHENS.

Surgeon James R. Riley, (now of) the One Hundred and Twenty-seventh Regiment Pennsylvania Infantry.

A. L. MAGILTON, Colonel Commanding Fourth regiment.

J. W. FISHER, Colonel Commanding Fifth regi-

ment.

upon the whole subject. Any other



WILLIAM B. BROWN

Surgeon James R. Riley, (now of) the One Hundred and Twenty-seventh Regiment Pennsylvania Volunteers, to General McCall:

WASHINGTON, Jan. 16, 1863.

GENERAL: On the eighteenth of December, 1862, I was engaged dressing the stump, having previously amputated the leg of Captain ———, (name not recollected,) of the Twelfth Mississippi regiment, who had been wounded at the battle of Fredericksburgh, when he asked me what corps I belonged to. I replied the Pennsylvania reserves. He said he had been in seventeen battles, and in all those on the Peninsula; that if the Pennsylvania reserves had not fought so well at Mechanicsville, where they had their best troops, and again at New-Market Cross-Roads, the confederates would have captured McClellan's army.

JAMES R. RILEY,

Surgeon One Hundred and Twenty-seventh Pennsylvania Volunteers, late Pennsylvania Reserves.

Colonel Everard Bierer, One Hundred and Seventy-first Regiment Pennsylvania Volunteers, to General McCall:

[Extract.]

WASHINGTON, Dec. 6, 1862.

GENERAL: About the middle of July last, while I was a Captain of the Eleventh Pennsylvania reserves, and a prisoner in Richmond, I was called on by David M. Whaley, Major of the Fifth Texas regiment. He was born and raised in Fayette County, Pennsylvania, where I reside. We were companions in boyhood, and school-mates. He was also known to Major Johns, of my regiment, then present. About eleven years ago he went to Texas. He told me he had been in the battles in front of Richmond, and that he never saw better fighting than that of the Pennsylvania reserves. He stated that at the battle of Mechanicsville, the confederates were repulsed at every point, and that their loss was very heavy, about two thousand killed and wounded. He was astonished when I told him our loss was only about two hundred. Though in the rebel service, Major Whaley is a gentleman of high integrity, and perfectly reliable, as I believe.

EVERARD BIERER,

Colonel One Hundred and Seventy-first Pennsylvania Militia.

STATEMENT OF OFFICERS OF THE RESERVE CORPS.

We, the undersigned officers of the Pennsylvania reserves, (McCall's division,) who fought in the battle of the thirtieth of June, 1862, variously called the battle of Nelson's Farm, Glendale, and New-Market Cross-Roads, do hereby distinctly state that our division was not routed in that battle; and that, although a temporary reverse was sustained by Seymour's brigade early in the day, the division was at no time completely routed.

GEO. G. MEADE, Major-General.

R. BIDDLE ROBERTS, Colonel Commanding First regiment.

WM. McCANDLESS, Colonel Commanding Second regiment.

H. G. SICKEL, Colonel Commanding Third regiment.

A. L. MAGILTON, Colonel Commanding Fourth regiment.

J. W. FISHER, Colonel Commanding Fifth regiment.

(The Sixth regiment was not in the battle.)

H. C. BOLLINGER, Colonel Commanding Seventh regiment.

GEO. S. HAYS, Colonel Commanding Eighth regiment.

JOHN CUTHBERTSON, Captain in command (*pro tem.*) Ninth regiment.

A. J. WARNER, Lieutenant-Colonel Commanding Tenth regiment.

(Eleventh regiment not engaged in the battle.)

JOHN H. TAGGART, Colonel Commanding Twelfth regiment.

ROY STONE, Major Commanding Rifle regiment.

E. C. BAIRD, Captain and Assistant Adjutant-General, Meade's brigade.

J. C. CLARK, Captain and Assistant Adjutant-General, Seymour's brigade.

ROBERT ANDERSON, Lieut.-Col. Ninth regiment.

PETER BALDY, Lieut.-Col. Twelfth regiment.

J. MCK. SNODGRASS, Major, now commanding Ninth regiment.

IRA AYER, Acting Major Tenth regiment.

I. G. HENRY, Captain Eighth regiment.

D. S. PORTER, Captain First regiment.

WM. COOPER TALLEY, Captain First regiment.

THOMAS F. B. TAPPER, Capt. Fourth regiment.

I. LENHART, Captain Third regiment.

L. B. SPENCE, Captain Seventh regiment.

WILLIAM BROOK, Captain Eighth regiment.

A. G. OLIVER, Captain Twelfth regiment.

JAMES H. LARRIMER, Captain Fifth regiment.

ALFRED M. SMITH, Captain Fifth regiment.

C. BARNES, Captain Ninth regiment.

HARTLEY HOWARD, Captain Ninth regiment.

JNO. H. BALLENTYNE, Captain Ninth regiment.

HENRY GEHREN, Captain Ninth regiment.

H. C. DAWSON, Captain Eighth regiment.

WILLIAM LEMON, Captain Eighth regiment.

N. O. D. ADAIR, Captain and C. S.

F. P. ARMSDEN, Captain Artillery, Commanding battery G.

JAMES A. McPHERSON, Captain Fifth regiment.

RICHARD ELLIS, Captain Second regiment.

And many others.

Doc. 95.

ALEXANDER H. STEPHENS'S LETTER

ON MARTIAL LAW AND MILITARY USURPATION.

RICHMOND, Va., September 8.

To Hon. James M. Calhoun, Atlanta, Ga.:

DEAR SIR: Your letter of the twenty-eighth ult., to Hon. B. H. Hill, was submitted to me by him a few days ago for my views as to the proper answer to be made to your several inquiries touching your powers and duties in the office of civil governor of Atlanta, to which you have been appointed by General Bragg. I took the letter with the promise to write to you fully upon the whole subject. This, therefore, is the

object of my now writing to you. I regret the delay that has occurred in the fulfilment of my promise. It has been occasioned by the press of other engagements, and I now find my time too short to write as fully as I could wish. The subject is one of great importance, and this, as well as matters of a kindred sort, have given me deep concern for some time past.

I am not at all surprised at your being at a loss to know what your powers and duties are in your new position, and your inability to find any thing in any written code of laws to enlighten you upon them. The truth is, your office is unknown to the law. General Bragg had no more authority for appointing you civil governor of Atlanta than I had, and I had or have no more authority than any street-walker in your city. Under his appointment, therefore, you can rightfully exercise no more power than if the appointment had been made by a street-walker.

We live under a constitution. That constitution was made for war as well as peace. Under that constitution we have civil laws and military laws; laws for the civil authorities and laws for the military. The first are to be found in the statutes at large, and the latter in the Rules and Articles of War. But in this country there is no such thing as martial law, and cannot be until the constitution is set aside—if such an evil day shall ever come upon us. All the law-making power in the confederate States government is vested in Congress. But Congress cannot declare martial law, which, in its proper sense, is nothing but an abrogation of all laws. If Congress cannot do it, much less can any officer of the government, either civil or military, do it rightfully, from the highest to the lowest. Congress may, in certain cases specified, suspend the writ of habeas corpus; but this by no means interferes with the administration of justice so far as to deprive any party arrested of his right to a speedy and public trial by a jury, after indictment, etc. It does not lessen or weaken the right of such party to redress for an illegal arrest. It does not authorize arrests except upon oath or affirmation upon probable cause. It only secures the party beyond misadventure to appear in person to answer the charge and prevent preliminary inquiry as to the formality or legality of his arrest. It does not infringe or impair his other constitutional rights. These Congress cannot impair by law. The constitutional guarantees are above and beyond the reach or power of Congress, and much more, if it could be, above and beyond the power of any officer of the government. Your appointment, therefore, in my opinion, is simply a nullity. You, by virtue of it, possess, no rightful authority, and can exercise none. The order creating you civil governor at Atlanta was a most palpable usurpation. I speak of the act only in a legal and constitutional sense; not of the motive that prompted it. But a wise people, jealous of their rights, would do well to remember, as Deloime, so well expresses it, that "such acts, so laudable when we

only consider the motive of them, make a breach at which tyranny will one day enter," if quietly submitted to long.

Now, then, my opinion is, if any one be brought before you for punishment for selling liquor to a soldier, or any other allegation, where there is no law against it, no law passed by the proper law-making power, either state or confederate, and where as a matter of course you have no legal or rightful authority to punish either by fine, corporeally, etc., you should simply make this response to the one who brings him or her, as the case may be, that you have no jurisdiction of the matter complained of.

A British Queen (Anne) was once urged by the Emperor of Russia to punish one of her officers for what his majesty considered an act of indignity to his ambassador to her court, though the officer had violated no positive law. The Queen's memorable reply was that "she could inflict no punishment upon any—the meanest of her subjects—unless warranted by the law of the land." This is an example you might well imitate. For I take it for granted that no one will pretend that any general in command of our armies could confer upon you or any body greater powers than the ruling sovereign of England possesses in like cases under similar circumstances. The case referred to in England gave rise to a change of the law. After that an act was passed exempting foreign ministers from arrest. So with us. If the proper discipline and good order of the army require that the sale of liquor to a soldier by a person not connected with the army should be prohibited, (which I do not mean to question in the slightest degree,) let the prohibition be declared by law, passed by Congress, with the pain and penalties for a violation of it, with the mode and manner of trying the offence plainly set forth. Until this is done no one has any authority to punish in such cases; and any one who undertakes to do it is a trespasser and a violator of the law. Soldiers in the service, as well as the officers are subject to the Rules and Articles of War, and if they commit any offence known to the military code therein prescribed, they are liable to be tried and punished according to the law made for their government. If these Rules and Articles of War, or, in other words, if the military code for the government of the army is defective in any respect, it ought to be amended by Congress. There alone the power is vested. Neither generals nor their provost-marshal have any power to make, alter, or modify laws, either military or civil, nor can they declare what shall be crimes, either military or civil, or establish any tribunal to punish what they may so declare. All these matters belong to Congress, and I assure you, in my opinion, nothing is more essential to the maintenance and preservation of constitutional liberty than that the military be ever kept subordinate to the civil authorities.

You then have my views hastily but pointedly given.

Yours, most respectfully,
ALEX. H. STEPHENS.

Doc. 96.

REPOSSESSION OF NORFOLK, VA.

EXTRACT FROM A LETTER OF GEN. EGBERT L. VIELE.

NORFOLK, VA., May 10, 1862.

MY DEAR SIR: The marked events of the past week, and the most gratifying and important results accomplished, are well known to you, as well as to the public at large; yet the motive power to which these effects are due, is not so apparent. I propose in a few words to give you some of the details, from which you can judge for yourself how much can be brought about by individual earnestness and determination. The transfer of the troops under McClellan from the Potomac to the Peninsula, and the anomalous condition of affairs at Fortress Monroe, produced a natural desire on the part of the President and the leading members of the Cabinet, to visit that locality for purposes of inspection, and to infuse new vigor into military operations in that vicinity. The Secretary of the Treasury having placed at the disposal of the President, with this view, the revenue-cutter *Miami*, it was arranged that himself, the President, and Secretary of War, should leave Washington, on Monday, the fifth of May. I was invited by Mr. Stanton to accompany the party. We left the Navy-Yard, in Washington, at about six o'clock that evening; the sail down the Potomac was unattended with any event of importance. The vessel, an English-built, schooner-rigged propeller, seemed almost intended for this purpose, her arrangements being perfect in every respect.

We reached Hampton Roads at sunset the following day. The condition of affairs at Fortress Monroe was the worst imaginable, enough to appall any but the most energetic and determined minds.

The *Merrimac* was the all absorbing topic afloat and ashore, every one wondering what she would do next. The "rebel monster" had become the *bête noir* of soldiers and sailors. The lookouts at the mast-heads, and the sentinels on the parapets were straining their eyes always in the same direction, toward the mouth of the Elizabeth River, eagerly watching for the appearance of the low dark hulk, which, although long expected, had yet come suddenly and spread devastation and even absolute terror. The Fortress bristled with shotted guns—fifteen thousand troops at Hampton and Newport News were incessantly on the *qui vive*. The harbor was filled with vessels of war, lying for weeks under full steam, ready at a moment's warning to slip their cables. The *Vanderbilt*, with her upper works bulk-headed, and her prow cased with iron, together with a number of other swift steamers, lay there also, with steam up, ready to rush in and sink the terrible monster. I shall never forget the sight, nor the feeling of dull heavy suspense, and even anxiety, which seemed to pervade the minds of all in the fleet and the Fortress. The brave little *Monitor*, (well compared to "a cheese-box on a raft,") flanked by the *Galena* and the *Naugatuck* lying out in advance, were the only redeeming evidences of confidence.

Such was the state of affairs when the President's party arrived. It was nine o'clock P.M. when we arrived; a half-hour was sufficient to learn the whole state of affairs. All ceremony was spared. Action was the only thought. Accidentally, Captain John Rodgers, of the Navy, who had served with me at Port Royal, came on board our ship a few moments after we landed at the wharf. I introduced him to the President, who, of course, knew him by reputation. He was now stationed in the *Roads*, in command of the *Galena*, and in course of conversation remarked that the *Galena* being an untried experiment in the way of an iron-clad vessel, there was a good opening up the James River between the *Merrimac* and the batteries to prove her qualities, expressing at the same time his want of faith in her. The suggestion was that of a brave and honest man. "Why not go at once?" said the President. "I only want the orders, sir," was the reply. "You shall not wait long," said Mr. Lincoln. An immediate visit to Commodore Goldsborough, on the *Minnesota*, followed. Unannounced the party appeared in the cabin of the flag-ship, and went right to work. The Flag-Officer would not act without positive orders either from the President or the Secretary of the Navy; the latter not being at hand, the President left the matter to be decided by the Secretary of War and the Treasury. The former, although averse to interfering in the affairs of any department except his own, saw the matter in the light of a military as well as a naval necessity. Mr. Chase agreeing with him, the order was given, and the *Galena*, left at daylight accompanied by two other gunboats. Three days earlier they could have gone direct to Richmond.

It was decided that the next day a general attack should be made on the *Merrimac*, the batteries at Sewell's Point and Craney Island, with the hope that the iron-clad terror might be tempted into the channel where she would be run down by the ram-fleet.

The morning opened most auspiciously—the President and Secretaries took their positions very early on the Rip Raps, and signal was given to open the battle. The fleet got under way with their decks cleared for action. The little iron-clads moved forward, followed by the *Minnesota* and *Susquehanna*. The *Merrimac* came out at Sewell's Point to meet them, accompanied the rebel gunboats *Yorktown* and *Jamestown*. The shore batteries soon opened, and ten minutes after all, the vessels were engaged. The sight and sound told gloriously of awakened power; it must have cheered the hearts of those who had so long suffered that cruel and causeless suspense which an unknown danger always produces. A great deal of execution was done to the shore batteries as well as to the *Merrimac*. She did not venture into the channel, however. Our show of strength was too great for her, and she lost the chance of being spared the inglorious fate which afterward befel her.

The attention of the Executive party was now engrossed in the discussion of an attack upon the city of Norfolk. The position occupied by that

city has always been regarded as one of the most important points on the Atlantic coast, unrivalled either in a commercial or strategic point of view. A capacious harbor, of easy access, and abundant depth of water, surrounded by a fertile and thickly settled agricultural district, through which there are admirable facilities for land and water communications, coupled with the abundant supplies of naval stores which the country affords, have caused it to be justly considered, both in peace and war, a *point d'appui*. Its capture by the British in 1779, and the naval attack by the same nation in 1812, had made the place historical, even if the extraordinary events of which it has been the theatre during the present rebellion had never occurred. So essential was its possession to the conspirators against the Government in the projection of their infamous designs, that while with lying lips, professing undeviating loyalty, the citizens of Virginia, aided by imbecile or traitorous officials, seized the Government property in the harbor, together with the Navy-Yard, a vast amount of naval stores, and several vessels of war; thus at one stroke possessing themselves of the means, without which, it is probable the rebellion could not have sustained itself six months.

The first troops organized in Louisiana, Alabama, and Georgia by the rebels were pushed forward to this point. Its defence was at no time intrusted to Virginians, a fact illustrating a want of confidence on the part of the leaders, either in the courage or fidelity of the duped people of that State.

The peninsulated position both of Norfolk and Portsmouth, flanked on either side by deep estuaries, furnished the basis for an admirable system of defence. Across the gorge of each peninsula was thrown a series of redoubts, connected by a curtain, forming a continuous line of breastworks, in one case two miles and a quarter and in the other one mile and three quarters in length. On the water-side bomb-proof batteries were erected, and on each side of the harbor (or, as it is called, Elizabeth River) a continuous series of forts and earth-works existed as far as Hampton Roads, making, with the land and water defences a most formidable stronghold, which, in the hands of skilful and determined men, could have withstood a prolonged attack from a very large force. Twenty-nine guns were mounted on the intrenched lines in rear of Norfolk; twenty-one on the intrenched lines back of Portsmouth; ten in the navy-yard batteries; eleven at the naval hospital; in the casemated battery covering the river obstructions, fifteen guns; on Craney Island, thirty-nine; at the Pig's Point battery, seventeen; at Sewell's Point, forty; at Tanner's Point, five; and at Fort Norfolk, nine; besides other breastworks at all assailable points, there were two hundred guns in position bearing upon all the land and water approaches, with the iron-clad Merrimac in the harbor and from fifteen to twenty thousand men on the fortifications. This was the position it was determined should be occupied by our troops encamped around Fortress

Monroe. Orders were given for every corps and regiment to hold itself in readiness, and in the mean while the plans of attack were being discussed. Of course there were many different routes and methods suggested, many of which had been under discussion, by those who had been stationed at the Fortress, for some time, although the sequel showed that the discussions had not been based upon that accurate topographical information which ought to have been obtained. One of the plans was to march to Newport News, and crossing the James River at night, march upon Suffolk, and thence upon Portsmouth in the rear. Another was to land in the rear of Sewell's Point, and after taking that work by storm to march on to Norfolk in the rear. A plan that suggested itself to me, to land at a place called Pleasant Point, on the shore of Chesapeake Bay, about eighteen miles from Norfolk, was met by the statement that the water was too shoal for more than a mile for vessels, and yet too deep for wading. Nevertheless, the relative position of that point to Norfolk seemed so desirable, that Secretary Chase determined to accompany me the next morning on a reconnoissance in that direction, to ascertain for ourselves its feasibility as a landing point for the troops. The Miami was called into service, and accompanied by a light-draught tug, we proceeded to within about a mile of the shore. The Miami opened her ports, while our party (General Wool and Colonel Cram, of his staff, having accompanied us) embarked on the tug and cautiously approached the shore. Much to our surprise, we found an abundant draught of water to within a stone's throw of the beach. Colonel Cram and Captain M. proceeded in a small boat to the shore. Their imaginations getting the better of them, they conceived the presence of a body of the enemy, which, in the end, proved to be a party of women and children who came to the shore with a white flag to welcome us. From them we learned that the pickets had retired on our approach, and that there were no troops in the immediate vicinity. No time was lost in communicating the result of the reconnoissance. The Secretary of War gave immediate orders for the embarkation of the troops: the regiments that were to take part in the expedition embarking during the night in light-draught barges, which were to be towed over to the place selected for a landing, so that the debarkation would take place at daylight, followed by an immediate march upon Norfolk.

To Colonel Cram, the Topographical Engineer, was assigned the duty of disembarking the troops, which he accomplished with a great deal of skill, constructing, during the night, of canal-barges an excellent wharf, upon which the troops were landed direct from steamers.

The first landing was effected at daybreak on the tenth, and two regiments of infantry, under General Webber, were immediately thrown forward to seize the Indian Poll bridge, over Tanner's Creek. On arriving at the bridge, a battery opened fire on the advance, under cover of which

the bridge was set on fire, and further progress in that direction prevented. At this moment I arrived at the head of the column with Secretary Chase, General Mansfield having just preceded us with two more infantry regiments, being in command of the advance.

An unnecessary confusion had arisen through some misapprehension of orders. I was very much struck with the facility with which Secretary Chase, without any pretension to military knowledge, comprehended at a glance the whole situation of affairs. The presence of an enemy in any force at this moment, I regret to say, must have resulted to our disadvantage. Seeing this, Mr. Chase at once assumed the responsibility of ordering a rapid advance to the left in the direction of the intrenchments, placing me at the same time in command of the advance. In an instant the column, under the influence of a directing hand, stepped quickly and gladly into position. I have since often thought how many of our disasters have been owing to a want of prompt action at just such a moment as this.

General Wool now arrived and accompanied us on the way. The heat was excessive, and the troops during the march suffered a good deal.

At four o'clock P.M. we came in view of the formidable line of intrenchments, two miles in extent, facing an open plain, over which the heavy guns which bristled from the parapets could pour a raking and deadly fire. No guns were fired and no men were seen. A courier met us with the statement that the works were abandoned, and that the whole rebel force had retreated across the river, in the direction of Richmond.

Moving on, we came within the lines of intrenchments and approached the city. At the outskirts we were met by the mayor and a delegation of citizens with a white flag, who came to surrender the town and request protection for the unarmed citizens, women, and children. This was readily granted, and General Wool, Secretary Chase, and myself accompanied the delegation to the city hall, where the keys of the public buildings were surrendered.

Mr. Chase wrote the manifesto assuming possession in behalf of the Government, which was signed by General Wool, when, leaving me in command as Military Governor, these gentlemen returned at once to Fortress Monroe. Troops were immediately sent across the river to take possession of the navy-yard, but it had already been set on fire, in fact had been burning all day. This yard was one of the oldest naval dépôts in the country, and since its original establishment has been very much enlarged in area. At the time of its abandonment, in 1861, it was three quarters of a mile long and one quarter of a mile wide, being by far the most extensive and valuable yard in the possession of the United States. There was connected with it a dry-dock of granite. The yard was covered with machine-shops, dwelling-houses for officers, and warehouses of many kinds. There were in it two ship-houses entire and another in process of erection, marine

barracks, sail, gunner, and riggers' lofts, smith and carpenters' sheds and shops, timber-sheds, machine-shops, foundries, dispensaries, saw-mills, boiler-shops, spar-houses, provision-houses, numerous dwellings, and a large amount of tools and machinery. There were also great quantities of material, provisions, and ammunition of every description. The sight of this immense and costly collection of buildings involved in a sheet of flame was singularly grand.

Toward four o'clock in the morning of the eleventh, after having worked all that night in placing my different regiments in their camping-ground, I had lain down for a few moments in the Custom-House, when I was suddenly awakened by a terrific crash, shaking the house to its foundation and breaking several panes of glass. In an instant the conviction flashed across my mind that it was an announcement of the blowing up of the long-dreaded and powerful Merri-mac. She had been set on fire and abandoned by her crew, large numbers of whom afterward gave themselves up and took the oath of allegiance.

Thus, without loss of life, the Government resumed possession of this point, which had so long afforded the rebels the sinews of war, a result no less valuable on account of its bloodless accomplishment. The rebels now bitterly regret the abandonment of their almost impregnable position.

Very truly yours,

EGBERT L. VIELE,
Brigadier-General U. S. A.

Doc. 97.

NEW-JERSEY PEACE RESOLUTIONS,

PASSED MARCH 18, 1863.

1. *Be it Resolved by the Senate and General Assembly of the State of New-Jersey, That this State, in promptly answering the calls made by the President of the United States, at and since the inauguration of the war, for troops and means to assist in maintaining the power and dignity of the Federal Government, believed and confided in the professions and declarations of the President of the United States, in his inaugural address, and in the resolutions passed by Congress on the twenty-fifth day of July, 1861, in which, among other things, it was declared "that the war is not waged for conquest or subjugation, or interfering with the rights or established institutions of the States, but to maintain and defend the supremacy of the Constitution, with the rights and equality under it unimpaired, and that as soon as these objects shall be accomplished the war ought to cease;" and that, relying upon these assurances, given under the sanctity of official oaths, this State freely, fully, and without delay or conditions, contributed to the assistance of the Federal Government her sons and her means.*

2. *And be it Resolved, That this State having*

waited for the redemption of the sacred pledges of the President and Congress with a patience and forbearance only equalled in degree by the unflinching and unswerving bravery and fidelity of her sons, conceives it to be her solemn duty, as it is her unquestioned right, to urge upon the President and Congress, in the most respectful but decided manner, the redemption of the pledges under which the troops of this State entered upon, and to this moment have continued in, the contest; and inasmuch as no conditions have delayed nor hesitation marked her zeal in behalf of the Federal Government, even at times when party dogmas were dangerously usurping the place of broad national principles and executive and Congressional faith; and as the devotion of this State to the sacred cause of perpetuating the Union and maintaining the Constitution has been untainted in any degree by infidelity, bigotry, sectionalism, or partisanship, she now, in view of the faith originally plighted, of the disasters and disgrace that have marked the steps of a changed and changing policy, and of the imminent dangers that threaten our national existence, urges upon the President and Congress a return and adherence to the original policy of the Administration as the only means, under the blessing of God, by which the adhering States can be reunited in action, the Union restored, and the nation saved.

3. *And be it Resolved*, That it is the deliberate sense of the people of this State that the war power within the limits of the Constitution is ample for any and all emergencies, and that all assumption of power, under whatever plea, beyond that conferred by the Constitution, is without warrant or authority, and if permitted to continue without remonstrance, will finally encompass the destruction of the liberties of the people and the death of the Republic; and therefore, to the end that in any event the matured and deliberate sense of the people of New-Jersey may be known and declared, we, their representatives in Senate and General Assembly convened, do, in their name and in their behalf, make unto the Federal Government this our solemn

PROTEST

Against a war waged with the insurgent States for the accomplishment of unconstitutional or partisan purposes;

Against a war which has for its object the subjugation of any of the States, with a view to their reduction to territorial condition;

Against proclamations from any source by which, under the plea of "military necessity," persons in States and Territories sustaining the Federal Government, and beyond necessary military lines, are held liable to the rigor and severity of military laws;

Against the domination of the military over the civil law in States, Territories, or districts not in a state of insurrection;

Against all arrests without warrant; against the suspension of the writ of *habeas corpus* in States and Territories sustaining the Federal

Government, "where the public safety does not require it," and against the assumption of power by any person to suspend such writ, except under the express authority of Congress;

Against the creation of new States by the division of existing ones, or in any other manner not clearly authorized by the Constitution, and against the right of secession as practically admitted by the action of Congress in admitting as a new State a portion of the State of Virginia;

Against the power assumed in the proclamation of the President made January first, 1863, by which all the slaves in certain States and parts of States are for ever set free; and against the expenditures of the public moneys for the emancipation of slaves or their support at any time, under any pretence whatever;

Against any and every exercise of power upon the part of the Federal Government that is not clearly given and expressed in the Federal Constitution—reasserting that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

4. *And be it Resolved*, That the unequalled promptness with which New-Jersey has responded to every call made by the President and Congress for men and means has been occasioned by no lurking animosity to the States of the South or the rights of her people; no disposition to wrest from them any of their rights, privileges, or property, but simply to assist in maintaining, as she has ever believed and now believes it to be her duty to do, the supremacy of the Federal Constitution; and while abating naught in her devotion to the Union of the States and the dignity and power of the Federal Government, at no time since the commencement of the present war has this State been other than willing to terminate peacefully and honorably to all a war unnecessary in its origin, fraught with horror and suffering in its prosecution, and necessarily dangerous to the liberties of all in its continuance.

5. *And be it Resolved*, That the Legislature of the State of New-Jersey believes that the appointment of Commissioners upon the part of the Federal Government to meet Commissioners similarly appointed by the insurgent States, to convene in some suitable place for the purpose of considering whether any, and if any, what plan may be adopted, consistent with the honor and dignity of the National Government, by which the present civil war may be brought to a close, is not inconsistent with the integrity, honor, and dignity of the Federal Government, but as an indication of the spirit which animates the adhering States, would in any event tend to strengthen us in the opinion of other nations; and hoping, as we sincerely do, that the Southern States would reciprocate the peaceful indications thus evinced, and believing, as we do, that under the blessing of God, great benefits would arise from such a conference, we most earnestly recommend the subject to the consideration of the Government of the United States, and request its co-operation therein.

6. *And be it Resolved*, That His Excellency the Governor be requested to forward copies of these resolutions to the Government of the United States, our Senators and Representatives in Congress, and to the Governors and Legislatures of our sister States, with the request that they give the subject proposed their serious and immediate attention.

7. *And be it Resolved*, That the State of New-Jersey pledges itself to such prompt action upon the subject of these resolutions as will give them practical effect, immediately upon the concurrence or coöperation of the Government and Legislatures of sister States.

PROTEST OF THE NEW-JERSEY SOLDIERS.

CAMP OF THE ELEVENTH NEW-JERSEY VOLUNTEERS,
BELOW PALMOUTH, VA., March 10, 1863.

Whereas, The Legislature of our native State, a State hallowed by the remembrance of the battles of Princeton, Trenton, and Monmouth, fields stained by the blood of our forefathers in the establishment of our Government, has sought to tarnish its high honor, and bring upon it disgrace, by the passage of resolutions tending to a dishonorable peace with armed rebels seeking to destroy our great and beneficent Government, the best ever designed for the happiness of the many; and

Whereas, We, her sons, members of the Eleventh regiment New-Jersey volunteers, citizens representing every section of the State, have left our homes to endure the fatigues, privations, and dangers incident to a soldier's life, in order to maintain our Republic in its integrity, willing to sacrifice our lives to that object; fully recognizing the impropriety of a soldier's discussion of the legislative functions of the State, yet deeming it due to ourselves, that the voice of those who offer their all in their country's cause, be heard when weak and wicked men seek its dishonor; therefore

Resolved, That the Union of the States is the only guarantee for the preservation of our liberty and independence, and that the war for the maintenance of that Union commands now, as it ever has done, our best efforts and our heartfelt sympathy.

Resolved, That we consider the passage, or even the introduction of the so-called Peace Resolutions, as wicked, weak, and cowardly, tending to aid by their sympathy, the rebels seeking to destroy the Republic.

Resolved, That we regard as traitors alike the foe in arms and the secret enemies of our Government, who, at home, foment disaffection and strive to destroy confidence in our legally chosen rulers.

Resolved, That the reports spread broadcast throughout the North, by secession sympathizers, prints, and voices, that the army of which we esteem it a high honor to form a part, is demoralized and clamorous for peace on any terms, are the lying utterances of traitorous tongues, and do base injustice to our noble comrades who have never faltered in the great work, and are now not

only willing but anxious to follow their gallant and chivalric leader against the strongholds of the enemy.

Resolved, That we put forth every effort, endure every fatigue, and shrink from no danger, until, under the gracious guidance of a kind Providence, every armed rebel shall be conquered, and traitors at home shall quake with fear, as the proud emblem of our national independence shall assert its power from North to South, and crush beneath its powerful folds all who dared to assail its honor, doubly hallowed by the memory of the patriot dead.

Robert McAllister, Colonel; Stephen Moore, Lieutenant-Colonel; John Schoonover, Adjutant; Garret Schenok, Quartermaster; E. Byington, Assistant Surgeon; Geo. Ribble, Second Assistant Surgeon; Frederick Knighten, Chaplain; Luther Martine, Captain; John T. Hill, Captain; Wm. H. Meeker, Captain; Philip J. Kearny, Captain; Thos. J. Halsey, Captain; William E. Dunning, Captain; S. M. Layton, First Lieutenant; Ira M. Cony, First Lieutenant; Lott Bloomfield, First Lieutenant; A. H. Ackerman, First Lieutenant; Ed. S. E. Newberry, First Lieutenant; W. H. Lord, First Lieutenant; Miller E. Lawrence, First Lieutenant; E. L. Kennedy, First Lieutenant; Samuel T. Sleeper, First Lieutenant; John Oldershaw, First Lieutenant; E. W. Volk, Second Lieutenant; E. R. Good, Second Lieutenant; John Sowter, Second Lieutenant; Alex. Beach, Second Lieutenant; James Bulkley, Second Lieutenant.

Doc. 98.

THE WAR POWERS OF THE PRESIDENT,

MILITARY ARRESTS, AND RECONSTRUCTION OF
THE UNION.

BY WILLIAM WHITING.

THIS publication was principally written in the spring of 1862, the chapter on the operation of the Confiscation Act of July seventeenth, 1862, having been subsequently added. Since that time President Lincoln has issued his Emancipation Proclamation, and several military orders operating in the Free States, under which questions have arisen of the gravest importance. The views of the author on these subjects have been expressed in several recent public addresses; and, if circumstances permit, these subjects may be discussed in a future addition to this pamphlet.

To prevent misunderstanding, the learned reader is requested to observe the distinction between emancipating or confiscating slaves, and abolishing the laws which sustain slavery in the slave States. The former merely takes away slaves from the possession and control of their masters; the latter deprives the inhabitants of those States of the lawful right of obtaining, by purchase or otherwise, or of holding slaves. Emancipation or confiscation operates only upon the slaves personally; but a law abolishing the

right to hold slaves, in the slave States, operates on all citizens residing there, and effects a change of local law. If all the horses now in Massachusetts were to be confiscated, or appropriated by Government to public use, though this proceeding would change the legal title to these horses, it would not alter the laws of Massachusetts as to personal property; nor would it deprive our citizens of the legal right to purchase and use *other* horses.

The acts for confiscation or emancipation of enemy's slaves, and the President's Proclamation of the twenty-second of September, do not abolish slavery as a legal institution in the States; they act upon persons held as slaves; they alter no local laws in any of the States; they do not purport to render slavery unlawful; they merely seek to remove slaves from the control of rebel masters. If slavery shall cease by reason of the legal emancipation of slaves, it will be because slaves are removed; nevertheless, the laws that sanction slavery may remain in full force. The death of all the negroes on a plantation would result in a total loss to the owner of so much "property;" but that loss would not prevent the owner from buying other negroes, and holding them by slave laws. Death does not interfere with the local law of property. Emancipation and confiscation, in like manner, do not necessarily interfere with local law establishing slavery.

The right to liberate slaves, or to remove the condition or *status* of slavery, as it applies to all slaves living at any one time, or the right to abolish slavery in the sense of liberating all existing slaves, is widely different and distinct from the right of repealing or annulling the laws of States which sanction the holding of slaves. State slave laws may or may not be beyond the reach of the legislative powers of Congress; but if they are, that fact would not determine the question as to the right to emancipate, liberate, or to change the relation to their masters of slaves *now living*; nor the question as to the right of abolishing slavery, in the sense in which this expression is used when it signifies the liberation of persons now held as slaves, from the operation of slave laws; while these laws are still left to act on other persons who may be hereafter reduced to slavery under them.

It is not denied that the powers given to the various departments of government are in general *limited* and defined; nor is it to be forgotten that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." (Const. Amendment, Art. X.) But the powers claimed for the President and for Congress, in this essay, are believed to be delegated to them respectively under the Constitution, expressly or by necessary implication.

The learned reader will also notice, that the positions taken in this pamphlet do not depend upon the adoption of the most liberal construction of the Constitution, Art. I. Sect. 8, Cl. 1, which is deemed by eminent statesmen to con-

tain a distinct, substantive power to pass all laws which Congress shall judge expedient "*to provide for the common defence and general welfare.*" This construction was held to be the true one by many of the original framers of the Constitution and their associates; among them was George Mason of Virginia, who opposed the adoption of the Constitution in the Virginia Convention, because, among other reasons, he considered that the true construction. (See Elliott's Debates, vol. ii. 327, 328.) Thomas Jefferson says, (Jefferson's Correspondence, vol. iv. p. 306,) that this doctrine was maintained by the *Federalists as a party*, while the opposite doctrine was maintained by the Republicans as a party. Yet it is true that several Federalists did not adopt that view, but Washington, Adams, Jefferson, Madison, Monroe, Hamilton, Mason, and others, were quite at variance as to the true interpretation of that much contested clause. Southern statesmen, drifting toward the State rights doctrines, as time passed on, having generally adopted the strictest construction of the language of that clause; but it has not yet been authoritatively construed by the Supreme Court. Whatever may be the extent or limitation of the power conveyed in this section, it is admitted by all that it contains the power of imposing taxes to an unlimited amount, and the right to appropriate the money so obtained to "the common defence and public welfare." Thus it is obvious, that the right to appropriate private property to public use, and to provide compensation therefor, as stated in Chapter I.; the power of Congress to confiscate enemy's property as a belligerent right; the power of the President, as commander-in-chief, as an act of war, to emancipate slaves; or the power of Congress to pass laws to aid the President, in executing his military duties, by abolishing slavery, or emancipating slaves, under Art. I. Sect. 8, Cl. 18, as *war measures*, essential to save the country from destruction, do not depend upon the construction given to the disputed clause above cited.

It will also be observed, that a distinction is pointed out in these pages between the legislative powers of Congress, in time of peace, and in time of war. Whenever the words "*the common defence*" are used, they are intended to refer to a time, not of constructive war, but of actual open hostility, which requires the nation to exert its naval and military powers in self-defence, to save the government and the country from destruction.

The Introduction, and Chapters I. and VIII., should be read in connection, as they relate to the same subject; and the reader will bear in mind that, in treating of the powers of Congress in the first chapter, it is not asserted that Congress have, *without any public necessity justifying it*, the right to appropriate private property of any kind to public use. There must always be a justifiable cause for the exercise of every delegated power of legislation.

It is not maintained in these pages that Congress, in time of peace, has the right to abolish

slavery in the States, by passing laws rendering the *holding of any slaves* therein illegal, so long as slavery is merely a household or family or domestic institution, and so long as its existence and operation are confined to the States where it is found, and concern *exclusively* the domestic affairs of the slave States; and so long as it does not conflict with or affect the rights, interests, duties, or obligations which appertain to the *affairs of the nation*, nor impede the execution of the laws and Constitution of the United States, nor conflict with the rights of citizens under them. Yet cases might arise in which, in time of peace, the abolishment of slavery might be necessary, and therefore would be lawful, in order to enable Congress to carry into effect some of the express provisions of the Constitution, as for example, that contained in Art. IV. Sect. 4, Cl. 1, in which the United States guarantee to every State in this Union a republican form of government; or that contained in Art. IV. Sect. 2, Cl. 1, which provides that citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.

It is asserted in this essay that, when the institution of slavery no longer concerns only the household or family, and no longer continues to be a matter exclusively appertaining to the domestic affairs of the State in which it exists; when it becomes a potent, operative, and efficient instrument for carrying on war against the Union, and an important aid to the public enemy; when it opposes the national military powers now involved in a gigantic rebellion; when slavery has been developed into a vast, an overwhelming *war power*, which is actually used by armed traitors for the overthrow of government and of the Constitution; when it has become the origin of civil war, and the means by which hostilities are maintained in the deadly struggle of the Union for its own existence; when a local institution is perverted so as to compel three millions of loyal colored subjects to become belligerent traitors because they are held as slaves of disloyal masters—then indeed slavery has become an affair most deeply affecting the national welfare and common defence, and has subjected itself to the severest enforcement of those legislative and military powers, to which alone, under the Constitution, the people must look to save themselves from ruin. In the last extremity of our contest, the question must be decided whether slavery shall be rooted up and extirpated, or our beloved country be torn asunder and given up to our conquerors, our Union destroyed, and our people dishonored? Are any rights of property, or any claims, which one person can assume to have over another, by whatever local law they may be sanctioned, to be held, by any just construction of the Constitution, as superior to the nation's right of self-defence? And can the local usage or law of any section of this country override and break down the obligation of the people to maintain and perpetuate their own government? Slavery is no longer local or domestic after it has become an engine of war. The country demands,

at the hands of Congress and of the President, the exercise of every power they can lawfully put forth for its destruction, not as an *object* of the war, but as a *means* of terminating the rebellion, if by destroying slavery the republic may be saved. These considerations and others have led the author to the conclusion stated in the following pages, "that Congress has the right to abolish slavery, when in time of war its abolishment is necessary to aid the commander-in-chief in maintaining the '*common defence*.' " *

CONSTITUTION OF THE UNITED STATES OF AMERICA.

INTRODUCTION.

THE PURPOSE FOR WHICH IT WAS FOUNDED.

The Constitution of the United States, as declared in the preamble, was ordained and established by the people, "in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and their posterity."

HOW IT HAS BEEN VIOLATED.

A handful of slave-masters have broken up that Union, have overthrown justice, and have destroyed domestic tranquillity. Instead of contributing to the common defence and public welfare, or securing the blessings of liberty to themselves and their posterity, they have waged war upon their country, and have attempted to establish, over the ruins of the Republic, an aristocratic government founded upon Slavery.

"THE INSTITUTION" vs. THE CONSTITUTION.

It is the conviction of many thoughtful persons, that slavery has now become practically irreconcilable with republican institutions, and that it constitutes, at the present time, the chief obstacle to the restoration of the Union. They know that slavery can triumph only by overthrowing the republic; they believe that the republic can triumph only by overthrowing slavery.

"THE PRIVILEGED CLASS."

Slaveholding communities constitute the only "*privileged class*" of persons who have been admitted into the Union. They alone have the right to vote for their *property* as well as for themselves. In the free States citizens vote only for themselves. The former are allowed to count, as part of their representative numbers, three fifths of all slaves. If this privilege, which was accorded only to the original States, had not been extended (contrary, as many jurists contend, to the true intent and meaning of the Constitution) so as to include other States subsequently formed, the stability of government would not have been seriously endangered by the temporary toleration of this "institution," although it was inconsistent with the principles which that

* The reader is referred to the previous page for remarks upon the Constitution, Art. I. Sect. 8, Clause 1, relating to the alleged power of Congress "to provide for the general welfare and common defence;" and, in addition to the authorities there cited, reference may be had to the speeches of Patrick Henry, who fully sustains the views of Mr. Jefferson. See also Story on the Constitution, Sect. 1234.

instrument embodied, and revolting to the sentiments cherished by a people who had issued to the world the Declaration of Independence, and had fought through the revolutionary war to vindicate and maintain the rights of man.

UNEXPECTED GROWTH OF SLAVERY.

The system of involuntary servitude, which had received, as it merited, the general condemnation of the leading Southern and Northern statesmen of the country—of those who were most familiar with its evils, and of all fair-minded persons throughout the world—seemed, at the time when our government was founded, about to vanish and disappear from this continent, when the spinning jenny of Crompton, the loom of Watt, the cotton gin of Whitney, and the manufacturing capital of England, combined to create a new and unlimited demand for that which is now the chief product of Southern agriculture. Suddenly, as if by magic, the smouldering embers of slavery were rekindled, and its flames, like autumnal fires upon the prairies, have rapidly swept over and desolated the Southern States; and, as that local, domestic institution, which seemed so likely to pass into an ignominious and unlamented grave, has risen to claim an unbounded empire, hence the present generation is called upon to solve questions and encounter dangers not foreseen by our forefathers.

SLAVERY ABOLISHED BY EUROPEAN GOVERNMENTS.

In other countries the scene has been reversed, France, with unselfish patriotism, abolished slavery in 1794; and though Napoleon afterward reestablished servitude in most of the colonies, it was finally abolished in 1848. England has merited and received her highest tribute of honor from the enlightened nations of the world for that great act of Parliament in 1833, whereby she proclaimed universal emancipation.

In 1844, King Oscar informed the Swedish States of his desire to do away with involuntary servitude in his dominions; in 1846 the Legislature provided the pecuniary means for carrying that measure into effect; and now all the slaves have become freemen.

Charles VIII., King of Denmark, celebrated the anniversary of the birth of the Queen Dowager by abolishing slavery in his dependencies, on the twenty-eighth of July, 1847.

In 1862, Russia has consummated the last and grandest act of emancipation of modern times.*

While Europe has thus practically approved of the leading principle of the American Constitution, as founded on justice, and as essential to public welfare, the United States, as represented by the more recent Administrations, have practically repudiated and abandoned it. Europe, embarrassed by conservative and monarchical institutions, adopts the preamble to that instrument, as a just exposition of the true objects for which governments should be established, and

accordingly abolishes slavery—while, in this country, in the mean time, slavery, having grown strong, seeks by open rebellion to break up the Union, and to abolish republican democracy.

SLAVERY IN 1862 NOT SLAVERY IN 1788.

However harmless that institution may have been in 1788, it is now believed by many, that, with but few honorable exceptions, the *slave-masters* of the present day, *the privileged class*, cannot, or will not, conduct themselves so as to render it longer possible, by peaceable association with them, to preserve "the Union," to "establish justice," "insure domestic tranquillity, the general welfare, the common defence, or the blessings of liberty to ourselves or our posterity." And since the wide-spread but secret conspiracies of traitors in the slave States for the last thirty years; their hatred of the Union, and determination to destroy it; their abhorrence of republican institutions, and of democratic government; their preference for an "oligarchy with slavery for its corner-stone," have become known to the people—their causeless rebellion; their seizure of the territory and property of the United States; their siege of Washington; their invasion of States which have refused to join them; their bitter, ineradicable, and universal hatred of the people of the free States, and of all who are loyal to the Government, have produced a general conviction that slavery (which alone has caused these results, and by which alone the country has been brought to the verge of ruin) must itself be terminated; and that this "privileged class" must be abolished; otherwise the unity of the American people must be destroyed, the government overthrown, and constitutional liberty abandoned.

To secure domestic tranquillity is to make it certain by controlling power. It cannot be thus secured while a perpetual uncontrollable cause of civil war exists. The cause, the means, the opportunity of civil war must be removed; the perennial fountain of all our national woes must be destroyed; otherwise "it will be vain to cry, Peace! peace! There is no peace."

ARE SLAVEHOLDERS ARBITERS OF PEACE AND WAR?

Is the Union so organized that the means of involving the whole country in ruin must be left in the hands of a small privileged class, to be used at their discretion? Must the blessings of peace and good government be dependent upon the sovereign will and pleasure of a handful of treasonable and unprincipled slave-masters? Has the Constitution bound together the peaceable citizen with the insane assassin, so that his murderous knife cannot lawfully be wrenched from his grasp even in self-defence?

If the destruction of slavery be necessary to save the country from defeat, disgrace, and ruin—and if, at the same time, the Constitution guarantees the perpetuity of slavery, whether the country is saved or lost—it is time that the friends of the Government should awake, and realize their awful destiny. If the objects for

* To the above examples we must add that of the Dutch West-Indies, where the law emancipating the slaves went into operation in July, 1863.

which our Government was founded can lawfully be secured only so far as they do not interfere with the pretensions of slavery, we must admit that the interests of slave-masters stand first, and the welfare of the people of the United States stands last, under the guarantees of the Constitution. If the Union, the Constitution, and the laws, like Laocoön and his sons, are to be strangled and crushed in order that the unrelenting serpent may live in triumph, it is time to determine which of them is most worthy to be saved. Such was not the Union formed by our forefathers. Such is not the Union the people intend to preserve. They mean to uphold a *Union, under the Constitution, interpreted by common sense*; a government able to attain results worthy of a great and free people, and for which it was founded; a *republic*, representing the sovereign majesty of the whole nation, clothed with ample powers to maintain its supremacy for ever. They mean that liberty and union shall be "one and inseparable."

WHY SLAVERY, THOUGH HATED, WAS TOLERATED.

It is true, that indirectly, and for the purpose of a more equal distribution of direct taxes, the framers of the Constitution tolerated, while they condemned slavery; but they tolerated it because they believed that it would soon disappear. They even refused to allow the charter of their own liberties to be polluted by the mention of the word "slave." Having called the world to witness their heroic and unselfish sacrifices for the vindication of their own inalienable rights, they could not, consistently with honor or self-respect, transmit to future ages the evidence that some of them had trampled upon the inalienable rights of others.

RECOGNITION OF SLAVERY NOT INCONSISTENT WITH THE PERPETUITY OF THE REPUBLIC.

Though slavery was thus tolerated by being ignored, we should dishonor the memory of those who organized that government to suppose that they did not intend to bestow upon it the power to maintain its own authority—the right to overthrow or remove slavery, or whatever might prove fatal to its permanence, or destroy its usefulness. We should discredit the good sense of the great people who ordained and established it, to deny that they bestowed upon the republic, created by and for themselves, the right, the duty, and the powers of *self-defence*. For self-defence by the Government was only maintaining, through the people's agents, the right of the people to govern themselves.

DISTINCTION BETWEEN THE OBJECTS AND THE MEANS OF WAR.

We are involved in a war of self-defence.

It is not the *object and purpose* of our hostilities to lay waste lands, burn bridges, break up railroads, sink ships, blockade harbors, destroy commerce, capture, imprison, wound, or kill citizens; to seize, appropriate, confiscate, or destroy private property; to interfere with families, or domestic institutions; to remove, employ, liber-

ate, or arm slaves; to accumulate national debt, impose new and burdensome taxes; or to cause thousands of loyal citizens to be slain in battle. But, as *means of carrying on the contest*, it has become necessary and lawful to lay waste, burn, sink, destroy, blockade, wound, capture, and kill; to accumulate debt, lay taxes, and expose soldiers to the peril of deadly combat. Such are the ordinary results and incidents of war. If, in further prosecuting hostilities, the liberating, employing, or arming of slaves shall be deemed convenient for the more certain, speedy, and effectual overthrow of the enemy, the question will arise, whether the Constitution prohibits those measures as acts of legitimate war against rebels, who, having abjured that Constitution and having openly in arms defied the Government, claim for themselves only the rights of belligerents.

It is fortunate for America that securing the liberties of a great people by giving freedom to four millions of bondmen would be in accordance with the dictates of justice and humanity. If the preservation of the Union required the enslavement of four millions of freemen, very different considerations would be presented.

LIBERAL AND STRICT CONSTRUCTIONISTS.

The friends and defenders of the Constitution of the United States of America, ever since its ratification, have expressed widely different opinions regarding the limitation of the powers of government in time of peace, no less than in time of war. Those who have contended for the most narrow and technical construction, having stuck to the letter of the text, and not appreciating the spirit in which it was framed, are opposed to all who view it as only a *frame* of government, a *plan in outline*, for regulating the affairs of an enterprising and progressive nation. Some treat that frame of government as though it were a cast-iron mould, incapable of adaptation or alteration—as one which a blow would break in pieces. Others think it a hoop placed around the trunk of a living tree, whose growth must girdle the tree or burst the hoop. But sounder judges believe that it more resembles the tree itself—native to the soil that bore it—waxing strong in sunshine and in storm, putting forth branches, leaves, and roots, according to the laws of its own growth, and flourishing with eternal verdure. Our Constitution, like that of England, contains all that is required to adapt itself to the present and future changes and wants of a free and advancing people. This great nation, like a distant planet in the solar system, may sweep round a wide orbit; but in its revolutions it never gets beyond the reach of the central light. The sunshine of constitutional law illumines its pathway in all its changing positions. We have not yet arrived at the "dead point" where the hoop must burst—the mould be shattered—the tree girdled—or the sun shed darkness rather than light. By a liberal construction of the Constitution, our government has passed through many storms unharmed. Slaveholding States, other than those whose inhabitants originally

formed it, have found their way into the Union, notwithstanding the guarantee of equal rights to all. The territories of Florida and Louisiana have been purchased from European powers. Conquest has added a nation to our borders. The purchased and the conquered regions are now legally a part of the United States. The admission of new States containing a privileged class, the incorporation into our Union of a foreign people, are held to be lawful and valid by all the courts of the country. Thus far from the old anchorage have we sailed under the flag of "public necessity," "general welfare," or "common defence." Yet the great charter of our political rights "still lives;" and the question of to-day is, whether that instrument, which has not prevented America from acquiring one country by purchase, and another by conquest, will permit her to *save herself*?

POWERS WE SHOULD EXPECT TO FIND.

If the ground-plan of our government was intended to be more than a temporary expedient—if it was designed according to the declaration of its authors, for a *perpetual* Union—then it will doubtless be found, upon fair examination, to contain whatever is essential to carry that design into effect. Accordingly, in addition to provisions for adapting it to great changes in the situation and circumstances of the people by *amendments*, we find that powers essential to its own perpetuity are vested in the executive and legislative departments, to be exercised *according to their discretion*, for the good of the country—powers which, however dangerous, must be intrusted to every government, to enable it to maintain its own existence, and to protect the rights of the people. Those who founded a government for themselves intended that it should never be overthrown; nor even altered, except by those under whose authority it was established. Therefore they gave to the President and to Congress, the means essential to the preservation of the republic, but none for its dissolution.

LAWS FOR PEACE, AND LAWS FOR WAR.

Times of peace have required the passage of numerous statutes for the protection and development of agricultural, manufacturing, and commercial industry, and for the suppression and punishment of ordinary crimes and offences. A state of general civil war in the United States is, happily, new and unfamiliar. These times have demanded new and unusual legislation to call into action those powers which the Constitution provides for times of war.

Leaving behind us the body of laws regulating the rights, liabilities, and duties of citizens, in time of public tranquillity, we must now turn our attention to the *RESERVED* and *HITHERTO UNUSED* powers contained in the Constitution, which enable Congress to pass a body of laws to regulate the rights, liabilities, and duties of citizens in time of war. We must enter and explore the arsenal and armory, with all their engines of defence, inclosed by our wise forefathers, for the safety of the republic, within the old castle walls

of that Constitution; for now the garrison is summoned to surrender; and if there be any cannon, it is time to unlimber and run them out the port-holes, to fetch up the hot shot, to light the match, and hang out our banner on the outer walls.

THE UNION IS GONE FOR EVER IF THE CONSTITUTION DENIES THE POWER TO SAVE IT.

The question whether republican constitutional government shall now cease in America, must depend upon the construction given to these *hitherto unused powers*. Those who desire to see an end of this government will deny that it has the ability to save itself. Many new inquiries have arisen in relation to the existence and limitation of its powers. Must the successful prosecution of war against rebels, the preservation of national honor, and securing of permanent peace—if attainable only by rooting out the evil which caused and maintains the rebellion—be effected by destroying rights solemnly guaranteed by the Constitution we are defending? If so, the next question will be, whether the law of self-defence and overwhelming necessity will not justify the country in denying to rebels and traitors in arms whatever rights they or their friends may claim under a charter which they have repudiated, and have armed themselves to overthrow and destroy? Can one party break the contract, and justly hold the other party bound by it? Is the Constitution to be so interpreted that rebels and traitors cannot be put down? Are we so hampered, as some have asserted, that even if war end in reestablishing the Union, and enforcing the laws over all the land, the results of victory will be turned against us, and the conquered enemy may then treat us as though they had been victors? Will vanquished criminals be able to resume their rights to the same political superiority over the citizens of free States, which, as the only "privileged class," they have hitherto enjoyed?

Have they who alone have made this rebellion, while committing treason and other high crimes against the republic, a protection, an immunity against punishment for these crimes, whether by forfeiture of life or property by reason of any clause in the Constitution? Can government, the people's agent, wage genuine and effectual war against their enemy? or must the soldier of the Union, when in action, keep one eye upon his rifle, and the other upon the Constitution? Is the power to make war, when once lawfully brought into action, to be controlled, baffled, and emasculated by any obligation to guard or respect rights set up by or for belligerent traitors?

THE LEADING QUESTIONS STATED.

What limit, if any, is prescribed to the war-making power of the President, as *Commander-in-Chief* of the army and navy of the United States? What authority has Congress to frame laws interfering with the ordinary civil rights of persons and property, of loyal or disloyal citizens, in peaceful or in rebellious districts; of the enemy who may be captured as spies, as pirates,

as guerrillas or bushwhackers; as aiders and comforters of armed traitors, or as soldiers in the battle-field? What rights has Congress, or the President, in relation to *belligerent districts* of country; in relation to slaves captured or escaping into the lines of our army, or escaping into free States; or slaves used by the enemy in military service; or those belonging to rebels, not so used? Whether they are contraband of war? and whether they may be released, manumitted, or emancipated, and discharged by the civil or military authority? or whether slaves may be released from their obligation to serve rebel masters? and whether slavery may be abolished with or without the consent of the masters, as a military measure, or as a legislative act, required by the public welfare and common defence? Where the power to abolish it resides, under the Constitution? And whether there is any restraint or limitation upon the power of Congress to punish treason? What are the rights of government over the private property of loyal citizens? What are the rights and liabilities of traitors? These and similar inquiries are frequently made among the plain people; and it is for the purpose of explaining some of the doctrines of law applicable to them, that the following suggestions have been prepared.

CHAPTER I.

THE CONSTITUTIONAL RIGHT OF THE GOVERNMENT TO APPROPRIATE PRIVATE PROPERTY TO PUBLIC USE, EITHER IN TIME OF PEACE OR IN TIME OF WAR.

The general government of the United States has, in time of peace, a legal right, under the Constitution, to appropriate to public use the private property of any subject, or of any number of subjects, owing it allegiance.

Each of the States claims and exercises a similar right over the property of its own citizens.

THE RIGHT IS FOUNDED IN REASON.

All permanent governments in civilized countries assert and carry into effect, in different ways, the claim of "eminent domain;" for it is essential to their authority, and even to their existence. The construction of military defences, such as forts, arsenals, roads, navigable canals, however essential to the protection of a country in war, might be prevented by private interests, if the property of individuals could not be taken by the country, through its government. Internal improvements in time of peace, however important to the interests of the public, requiring the appropriation of real estate belonging to individuals, might be interrupted, if there were no power to take, without the consent of the owner, what the public use requires. And as it is the government which protects all citizens in their rights to life, liberty, and property, they are deemed to hold their property subject to the claim of the supreme protector to take it from them when demanded by "public welfare." It is under this quasi *sovereign* power that the State of Massachusetts seizes by law the private estates of her citizens; and she even authorizes

several classes of corporations to seize land, against the will of the proprietor, for public use and benefit. Railroads, canals, turnpikes, telegraphs, bridges, aqueducts, could never have been constructed were the existence of this great right denied. And the *TITLE* to that interest in real estate, which is thus acquired by legal seizure, is deemed by all the courts of this commonwealth to be as legal, and as *constitutional*, as if purchased and conveyed by deed, under the hand and seal of the owner.

INDEMNITY IS REQUIRED.

But when individuals are called upon to give up what is their own for the advantage of the community, justice requires that they should be fairly compensated for it: otherwise public burdens would be shared unequally. To secure the right to indemnification, which was omitted in the original Constitution of the United States, an amendment was added, which provides, (Amendments, Art. V. last clause,) "*Nor shall private property be taken for public use without just compensation.*"*

The language of this *amendment* admits the right of the United States to take private property for public use. This amendment, being now a part of the Constitution, leaves that right no longer open to question, if it ever was questioned.

In guarding against the abuse of the right to take private property for public use, it is provided that the owner shall be entitled to be fairly paid for it; and thus he is not to be taxed *more than his due share* for public purposes.

It is not a little singular that the framers of the Constitution should have been *less* careful to secure equality in distributing the burden of taxes. Sect. 8 requires *duties, imposts, and excises* to be *uniform* throughout the United States, but it does not provide that *taxes* should be uniform. Although Art. I. Sect. 9, provides that no *capitation* or other *direct tax* shall be laid unless in proportion to the census, yet far the most important subjects of taxation are still unprotected, and may be *UNEQUALLY* assessed, without violating any clause of that Constitution, which so carefully secures equality of public burdens by providing compensation for private property appropriated to the public benefit.

"PUBLIC USE."

What is "*public use*" for which private property may be taken?

Every appropriation of property for *the benefit* of the United States, either for a national public improvement, or to carry into effect any valid law of Congress for the maintenance, protection, or security of national interests, is "*public use.*" *Public use* is contra-distinguished from *private use*. That which is for the *use of the country*, however applied or appropriated, is for public use.

Public use does not require that the property

* Similar provisions are found in the Constitution of Massachusetts, and several other States.

taken shall be actually used. It may be *disused, removed, or destroyed*. And destruction of private property may be the best public use it can be put to.

Suppose a bridge, owned by a private corporation, were so located as to endanger a military work upon the bank of a river. The *destruction* of that bridge to gain a military advantage would be appropriating it to *public use*.

So also the blowing up or demolition of buildings in a city, for the purpose of preventing a general conflagration, would be an appropriation of them to public use. The *destruction* of arms, or other munitions of war, belonging to private persons, in order to prevent their falling into possession of the enemy, would be applying them to *public use*. Congress has power to pass laws providing for the common defence and general welfare, under Art. I. Sec. 8 of the Constitution; and whenever, in their judgment, the common defence or general welfare requires them to authorize the appropriation of private property to public use—whether that use be *the employment or destruction of the property taken*—they have the right to pass such laws; to appropriate private property in that way; and whatever is done with it is “public use,” and entitles the owner to just compensation therefor.

ALL KINDS OF PROPERTY, INCLUDING SLAVES, MAY BE SO APPROPRIATED.

There is no restriction as to the kind or *character* of private property which may be lawfully thus appropriated, whether it be real estate, personal estate, rights in action or in possession, *obligations for money, or for labor and service*. Thus the obligations of minor children to their parents, of apprentices to their masters, and of other persons owing labor and service to their masters, may lawfully be appropriated to public use, or discharged and destroyed, for public benefit, by Congress, with the proviso that just compensation shall be allowed to the parent or master.

Our Government, by treaty, discharged the claims of its own citizens against France, and thus appropriated private property to public use. At a later date the United States discharged the claims of certain slave-owners to labor and service, whose slaves had been carried away by the British contrary to their treaty stipulations. In both cases indemnity was promised by our Government to the owners; and in case of the slave-masters it was actually paid. By abolishing slavery in the District of Columbia, that which was considered for the purposes of the act as private property was appropriated to public use, with just compensation to the owners; Congress, in this instance, having the right to pass the act as a local, municipal law; but the compensation was from the treasury of the United States.

During the present rebellion, many minors, apprentices, and slaves have been relieved from obligation to their parents and masters, the claim for their services having been appropriated to

public use, by employing them in the military service of the country.

That Congress should have *power* to appropriate *every description* of private property for public benefit in time of war, results from the *duty* imposed on it by the Constitution to pass laws “providing for the common defence and general welfare.”

Suppose that a large number of apprentices desired to join the army as volunteers in time of sorest need, but were restrained from so doing only by reason of their owing labor and service to their employers, who were equally with them citizens and subjects of this Government; would any one doubt or deny the right of Government to accept these apprentices as soldiers, to discharge them from the obligation of their indentures, providing just compensation to their employers for loss of their services? Suppose that these volunteers owed labor and service for life, as slaves, instead of owing it for a term of years; what difference could it make as to the right of Government to use their services, and discharge their obligations, or as to the liability to indemnify the masters? The right to use the services of the minor, the apprentice, and the slave, for public benefit, belongs to the United States. The claims of all American citizens upon their services, whether by local law, or by common law, or by indentures, can be annulled by the same power, for the same reasons, and under the same restrictions that govern the appropriation of any other private property to public use.

THE UNITED STATES MAY REQUIRE ALL SUBJECTS TO DO MILITARY DUTY.

Slaves, as well as apprentices and minors, are equally *subjects* of the United States, whether they are or are not *citizens* thereof. The Government of the United States has the right to call upon all its subjects to do *military duty*. If those who owe labor and service to others, either by contract, by indenture, by common or statute law, or by local usage, could not be lawfully called upon to *leave* their employments to serve their country, no inconsiderable portion of the able-bodied men would thus be exempt, and the Constitution and laws of the land providing for calling out the army and navy would be set at naught. But the Constitution makes no such exemptions from military duty. Private rights cannot be set up to overthrow the claims of the country to the services of every one of its subjects who owes it allegiance.

How far the United States is under obligation to compensate parents, masters of apprentices, or masters of slaves, for the loss of service and labor of those subjects who are enlisted in the army and navy, has not been yet decided.* The Constitution recognizes slaves as “*persons held*

* If an apprentice enlist in the army, the courts will not, upon a *habeas corpus*, issued at the relation of the master, *remand* the apprentice to his custody, if he be *unwilling* to return, but will leave the master to his suit against the officer, who, by Act, 16 Mar. 1862, was forbidden to enlist him without the master's consent. *Commonwealth v. Robinson*, 1 B. & R. 523; *Commonwealth v. Harris*, 1 Pa. L. J. 333.

to labor or service." So also are apprentices and minor children "persons held to labor and service." And, whatever other claims may be set up, by the laws of either of the slave States, to any class of "persons," the Constitution recognizes *only* the claim of individuals to the labor and service of other individuals. It seems difficult, therefore, to state any sound principle which should require compensation in one case and not in the other.

WILL SLAVEHOLDERS BE ENTITLED TO INDEMNITY IF THEIR SLAVES ARE USED FOR MILITARY PURPOSES?

It is by no means improbable, that, in the emergency which we are fast approaching, the right and duty of the country to call upon all its *loyal subjects* to aid in its military defence *will be deemed paramount to the claims of any private person upon such subjects*, and that the loss of labor and service of certain citizens, like the loss of life and property, which always attends a state of war, must be borne by those upon whom the misfortune happens to fall. It may become one of the great political questions hereafter, whether, if slavery should as a civil act in time of peace, or by treaty in time of war, be wholly or partly abolished, for *public benefit, or public defence*, such abolishment is an *appropriation of private property for public use, within the meaning of the Constitution*.

INDEMNITY TO MORMONS.

The question has not yet arisen in the courts of the United States, whether the act of Congress, which, under the form of a statute against polygamy abolishes Mormonism, a domestic institution, sustained like slavery only by local law, is such an appropriation of the claims of Mormons to the labor and service of their wives as requires just compensation under the Constitution? A decision of this question may throw some light on the point now under consideration.

EFFECT OF NATURALIZATION AND MILITIA LAWS ON THE QUESTION OF INDEMNITY TO SLAVE-MASTERS.

A further question may arise as to the application of the "compensation" clause above referred to. Congress has the power to pass naturalization laws, by Art. I. Sect. 8. This power has never been doubted. The only question is, whether this power is not exclusive.* Congress may thus give the privileges of citizenship to any persons whatsoever, black or white. Colored men, having been citizens in *some* of the States ever since they were founded, having acted as citizens prior to 1788 in various civil and military capacities, are therefore citizens of the United States.†

Under the present laws of the United States,

* See *Chirac v. Chirac*, 2 Whea. 269; *U. S. v. Villato*, 2 Dall. 372; *Thirlow v. Mass.*, 5 How. 555; *Smith v. Turner*, 7 Ib. 506; *Golden v. Prince*, 8 W. C. C. Reports, 314.

† See case of *Dred Scott*; which in no part denies that if colored men were citizens of either of the States which adopted the Constitution, they were citizens of the United States.

according to the opinion of the Attorney-General of Massachusetts, *colored men are equally with white men required to be enrolled in the militia of the United States*,* although such was not the case under the previous acts of 1792 and 1795. "The general Government has authority to determine who shall and who may not compose the militia of the United States; and having so determined, the State government has no legal authority to prescribe a different enrolment.† If, therefore, Congress exercise either of these undoubted powers to grant citizenship to all colored persons residing or coming within either of the States, or to pass an act requiring the enrolment of all able-bodied persons within a prescribed age, whether owing labor and service or not,‡ as part of the militia of the United States, and thereby giving to all, as they become soldiers or seamen, their freedom from obligations of labor and service, except military labor and service, then the question would arise, whether Government, by calling its own subjects and citizens into the military service of the country, in case of overwhelming necessity, could be required by the Constitution to recognize the private relations in which the soldier might stand, by local laws, to persons setting up claims against him? If white subjects or citizens owe labor and service, even by formal indentures, such obligations afford no valid excuse against the requisition of Government to have them drafted into the militia to serve the country. The Government does not compensate those who claim indemnity for the loss of such "labor and service." Whether the color of the debtor, or the length of time during which the obligation (to labor and service) has to run, or the evidence by which the existence of the obligation is proved, can make an essential difference between the different kinds of labor and service, remains to be seen. The question is, whether the soldier or seaman, serving his country in arms, can be deemed *private property*, as recognized in the Constitution of the United States?

DOES THE WAR POWER OF SEIZURE SUPERSEDE THE CIVIL POWER OF CONGRESS TO APPROPRIATE PRIVATE PROPERTY TO PUBLIC USE?

That the property of any citizen may, under certain circumstances, be seized in time of war, by military officers, for public purposes, is not questioned, just compensation being offered or provided for; but the question has been asked, whether this power does not supersede the right of Congress, in war, to pass laws to take away what martial law leaves unappropriated?

This inquiry is conclusively answered by reference to the amendment of the Constitution above cited, which admits the existence of that power in Congress;§ but in addition to this, there are other clauses which devolve powers and duties on the legislature, giving them a large and important share in instituting, organ-

* See Stat. U. S. July 17, 1862.

† 3 Gray's R. 615.

‡ See Act approved February 24, 1864.

§ Amendments, Art. V. last clause.

izing, carrying on, regulating, and ending war; and these duties could not, under all circumstances, be discharged in war without exercising the right to take for public use the property of the subject. It would seem strange if private property could not be so taken, while it is undeniable that in war the Government can call into the military service of the country every able-bodied citizen, and tax his property to any extent.

REFERENCES AS TO THE CONSTITUTION, SHOWING THE WAR POWERS OF CONGRESS.

The powers of the *legislative* department in relation to war are contained chiefly in the following sections in the Constitution:

Art. I. Sect. 8, Cl. 11. *Congress may institute war by declaring it against an enemy. The President alone cannot do so. Also, Congress may make laws concerning captures on land, as well as on water.*

Art. I. Sect. 8, Cl. 12. *Congress may raise and support armies; and provide and maintain a navy.*

Art. I. Sect. 8, Cl. 14. *Congress may make laws for the government of land and naval forces.*

Art. I. Sect. 8, Cl. 15. *Congress may provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasion.*

Art. I. Sect. 8, Cl. 16: *And may provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States.*

The preamble to the Constitution declares the objects for which it was framed to be these: "To form a more perfect Union; establish justice; insure domestic tranquillity; provide for the common defence; promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." In Art. I. Sect. 8, Cl. 1, the first power given to Congress is to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare of the United States. And in the same article (the eighteenth clause) express power is given to Congress to make all laws which shall be necessary and proper for carrying into execution the foregoing and all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof."

SLAVE PROPERTY SUBJECT TO THE SAME LIABILITY AS OTHER PROPERTY TO BE APPROPRIATED FOR WAR PURPOSES.

If the *public welfare* and *common defence*, in time of war, require that the claims of masters over their apprentices or slaves should be cancelled or abrogated, against their consent, and if a general law, carrying into execution such abrogation, is, in the judgment of Congress, "a necessary and proper measure for accomplishing that object," there can be no question of the constitutional power and right of Congress to pass such laws. The only doubt is in relation to the

right to compensation. If it should be said that the release of slaves from their servitude would be tantamount to impairing or destroying the obligation of contracts, it may be said, that though States have no right to pass laws impairing the obligation of contracts, Congress is at liberty to pass such laws. It will be readily perceived that the right to abrogate and cancel the obligations of apprentices and slaves does not rest solely upon the power of Congress to appropriate private property to public use; but it may be founded upon their power and obligation to accomplish one of the chief objects for which the Union was formed, namely, to provide for the *common defence* and *general welfare* of the United States.

IMPORTANCE AND DANGER OF THIS POWER.

The powers conveyed in this eighteenth clause of Art. I. Sect. 8, are of *vast* importance and extent. It may be said that they are, in one sense, unlimited and discretionary. They are more than imperial. But it was intended by the framers of the Constitution, or, what is of more importance, by the *people* who made and adopted it, that the powers of Government in dealing with civil rights in time of peace, should be *defined* and limited; but the powers "to provide for the *general welfare* and the *common defence*" in time of war, should be *unlimited*. It is true, that such powers may be temporarily abused; but the remedy is always in the hands of the people, who can unmake laws and select new representatives and senators.

POWERS OF THE PRESIDENT NOT IN CONFLICT WITH THOSE OF CONGRESS.

It is not necessary here to define the extent to which congressional legislation may justly control and regulate the conduct of the army and navy in service; or where falls the dividing line between civil and martial law. But the power of Congress to pass laws on the subjects expressly placed in its charge by the terms of the Constitution, cannot be taken away from it, by reason of the fact that the President, as commander-in-chief of the army and navy, also has powers, equally constitutional, to act upon the same subject-matters. It does not follow that because Congress has power to abrogate the claims of Mormons or slaveholders, the President, as commander, may not also do the same thing.

These powers are not *inconsistent*, or conflicting. Congress may pass laws concerning captures on land and on the water. If slaves are captured, and are treated as "captured property," Congress should determine what is to be done with them;* and it will be the President's duty to see that *these*, as well as other laws of the United States, are *executed*.

CONGRESS HAS POWER UNDER THE CONSTITUTION TO ABOLISH SLAVERY.

Whenever, in the judgment of Congress, the *common defence* and *public welfare*, in time of

* Constitution, Art. I. Sect. 8, Cl. 11.

war, require the removal of the condition of slavery, it is within the scope of their constitutional authority to pass laws for that purpose.

If such laws are deemed to take private property for public use, or to destroy private property for public benefit, as has been shown, that may be done under the Constitution, by providing just compensation; otherwise no compensation can be required. It has been so long the habit of those who engage in public life to disclaim any intention to interfere with slavery in the States, that they have of late become accustomed to deny the right of Congress to do so. But *the Constitution contains no clause or sentence prohibiting the exercise by Congress of the plenary power of abrogating involuntary servitude.* The only prohibition contained in that instrument relating to persons held to labor and service, is in Art. IV., which provides that "No person held to labor and service in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein," be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." Thus, if a slave or apprentice, owing service to his employer in Maryland, escapes to New-York, the legislature of New-York cannot, by any law or regulation, legally discharge such apprentice or slave from his liability to his employer. *This restriction is, in express terms, applicable only to State Legislatures, and not to Congress.*

Many powers given to Congress are denied to the States; and there are obvious reasons why the supreme government alone should exercise so important a right. That a power is withdrawn from the States, indicates, by fair implication, that it belongs to the United States, unless expressly prohibited, if it is embraced within the scope of powers necessary to the safety and preservation of the government, in peace or in civil war.

It will be remarked that the provision as to slaves in the Constitution relates only to fugitives from labor escaping from one State into another, not to the status or condition of slaves in any of the States where they are held, while another clause in the Constitution relates to fugitives from justice.* Neither clause has any application to citizens or persons who are not fugitives. And it would be a singular species of reasoning to conclude that, because the Constitution prescribed certain rules of conduct toward persons escaping from one State into another, therefore there is no power to make rules relating to other persons who do not escape from one State into another. If Congress were expressly empowered to pass laws relating to persons when escaping from justice or labor, by fleeing from their own States, it would be absurd to infer that there could be no power to pass laws relating to these same persons when staying at home. The Government may pass laws requiring the return of fugitives; they may pass other

laws punishing their crimes, or relieving them from penalty. The power to do the one by no means negatives the power to do the other. If Congress should discharge the obligations of slaves to render labor and service, by passing a law to that effect, such law would supersede and render void all rules, regulations, customs, or laws of either State to the contrary, for the Constitution, treaties, and laws of the United States, are the supreme law of the land. If slaves were released by act of Congress, or by the act of their masters, there would be no person held to labor as a slave by the laws of any State, and therefore there would be no person to whom the clause in the Constitution restraining State legislation could apply. This clause, relating to fugitive slaves, has often been misunderstood, as it has been supposed to limit the power of Congress, while in fact it applies, in plain and express terms, only to the States, controlling or limiting their powers, but having no application to the general government. If the framers of the Constitution intended to take from Congress the power of passing laws relating to slaves in the States or elsewhere, they would have drafted a clause to that effect. They did insert in that instrument a proviso that Congress should pass no law prohibiting the "importation of such persons as any of the States should think proper to admit" (meaning slaves) "prior to 1808." * And if they did not design that the legislature should exercise control over the subject of domestic slavery, whenever it should assume such an aspect as to involve national interests, the introduction of the proviso relating to the slave-trade, and of several other clauses in the plan of government, makes the omission of any prohibition of legislation on slavery unaccountable.

CONCLUSION.

Thus it has been shown that the Government have the right to appropriate to public use private property of every description; that "public use" may require the employment or the destruction of such property; that if the "right to the labor and service of others," as slaves, be recognized in the broadest sense as "property," there is nothing in the Constitution which deprives Congress of the power to appropriate "that description of property" to public use, by terminating slavery, as to all persons now held in servitude, whenever laws to that effect are required by "the public welfare and the common defence" in time of war; that this power is left to the discretion of Congress, who are the sole and exclusive judges as to the occasions when it shall be exercised, and from whose judgment there is no appeal. The right to "just compensation" for private property so taken, depends upon the circumstances under which it is taken, and the loyalty and other legal conditions of the claimant.

Note.—As to the use of discretionary powers in other departments, see *Martin v. Mott*, 12 Wheat. 29-31; *Luther v. Borden*, 7 How. 44-45.

* Constitution, Art. IV. Sect. 2.

* Constitution, Art. I. Sect. 9.

INTRODUCTION TO CHAPTER II.

The Constitution, *Art. I. Sect. 8, Clause 18*, gives Congress power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

Art. II. Sect. 2, Clause 1, provides that "the President shall be *Commander-in-Chief* of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual service of the United States."

Art. I. Sect. 8, declares that "Congress shall have power to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions."

As the President is, within the sense of *Art. I. Sect. 8, Clause 18*, "an officer of Government;" and by virtue of *Art. II. Sect. 2, Clause 1*, he is *Commander-in-Chief of the Army and Navy*; and as, by virtue of *Art. II. Sect. 2, Clause 1*, and *Art. I. Sect. 8*, the power is vested in him as "an officer of the Government" to suppress rebellion, repel invasion, and to maintain the Constitution by force of arms, in time of war, and for that purpose to overthrow, conquer, and subdue the enemy of his country, so completely as to "insure domestic tranquillity"—it follows by *Art. I. Sect. 8, Clause 18*, that Congress may, in time of war, pass all laws which shall be necessary and proper to enable the President to carry into execution "all his military powers."

It is his duty to break down the enemy, and to deprive them of their means of maintaining war: Congress is therefore bound to pass such laws as will aid him in accomplishing that object.

If it has power to make laws for carrying on the Government in time of peace, it has the power and duty to make laws to preserve it from destruction in time of war.

CHAPTER II.

WAR POWERS OF CONGRESS.*

Congress has power to frame statutes not only for the punishment of crimes, but also for the purpose of aiding the President, as commander-in-chief of the army and navy, in suppressing rebellion, and in the final and permanent conquest of a public enemy. "It may pass such laws as it may deem necessary," says Chief-Justice Marshall, "to carry into execution the great powers granted by the Constitution;" and "necessary means, in the sense of the Constitution, does not import an absolute physical necessity, so strong that one thing cannot exist without the other. It stands for any means calculated to produce the end."

RULES OF INTERPRETATION.

The Constitution provides that Congress shall have power to pass "all laws necessary and pro-

per" for carrying into execution all the powers granted to the Government of the United States, or any department or officer thereof. The word "necessary," as used, is not limited by the additional word "proper," but enlarged thereby.

"If the word *necessary* were used in the strict, rigorous sense, it would be an extraordinary departure from the usual course of the human mind, as exhibited in solemn instruments, to add another word, the only possible effect of which is to qualify that strict and rigorous meaning, and to present clearly the idea of a choice of means in the course of legislation. If no means are to be resorted to but such as are *indispensably* necessary, there can be neither sense nor utility in adding the word '*proper*,' for the *indispensable necessity* would shut out from view all consideration of the *propriety* of the means."²

Alexander Hamilton says:

"The authorities essential to the care of the common defence are these: To raise armies; to build and equip fleets; to prescribe rules for the government of both; to direct their operations; to provide for their support. These powers ought to exist without limitation, because it is impossible to foresee or to define the extent and variety of national exigencies, and the correspondent extent and variety of the means necessary to satisfy them. The circumstances which endanger the safety of nations are infinite; and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed. . . . This power ought to be under the direction of the same councils which are appointed to preside over the common defence. . . . It must be admitted, as a necessary consequence, that there can be no limitation of that authority which is to provide for the defence and protection of the community in any matter essential to its efficacy—that is, in any matter essential to the *formation, direction, or support* of the NATIONAL FORCES."

This statement, Hamilton says:

"Rests upon two axioms, simple as they are universal: the *means* ought to be proportioned to the *end*; the persons from whose agency the attainment of the *end* is expected, ought to possess the *means* by which it is to be attained."[†]

The doctrine of the Supreme Court of the United States, announced by Chief-Justice Marshall, and approved by Daniel Webster, Chancellor Kent, and Judge Story, is thus stated:

"The Government of the United States is one of enumerated powers, and it can exercise only the powers granted to it; but though limited in its powers, it is supreme within its sphere of action. It is the Government of the people of the United States, and emanated from them. Its powers were delegated by all, and it represents all, and acts for all.

"There is nothing in the Constitution which excludes *incidental* or *implied* powers. The Articles of Confederation gave nothing to the United States but what was expressly granted; but the

* For references to the clauses of the Constitution containing the war powers of Congress, see *ante*, page 690.

² Story's Commentaries, Sec. 129.

[†] Federalist, No. 23, pp. 95, 96.

new Constitution dropped the word *expressly*, and left the question whether a particular power was granted to depend on a fair construction of the whole instrument. No Constitution can contain an accurate detail of all the subdivisions of its powers, and all the *means* by which they might be carried into execution. It would render it too prolix. Its nature requires that only the great outlines should be marked, and its important objects designated, and all the minor ingredients left to be deduced from the nature of those objects. The sword and the purse, all the external relations, and no inconsiderable portion of the industry of the nation, were intrusted to the general Government; and a government intrusted with such ample powers, on the due execution of which the happiness and prosperity of the people vitally depended, must also be intrusted with *ample means of their execution*. Unless the words imperiously require it, we ought not to adopt a construction which would impute to the framers of the Constitution, when granting great powers for the public good, the intention of impeding their exercise by withholding a *choice of means*. The powers given to the Government imply the ordinary means of execution; and the Government, in all sound reason and fair interpretation, must have the choice of the means which it deems the most convenient and appropriate to the execution of the power. The Constitution has not left the right of Congress to employ the necessary means for the execution of its powers to general reasoning. Art. I. Sect. 8, of the Constitution expressly confers on Congress the power 'to make all laws that may be necessary and proper to carry into execution the foregoing power.

"Congress may employ such means and pass such laws as it may deem necessary to carry into execution great powers granted by the Constitution; and *necessary* means, in the sense of the Constitution, does not import an absolute physical necessity, so strong that one thing cannot exist without the other. It stands for any means calculated to produce the end. The word *necessary* admits of all degrees of comparison. A thing may be necessary, or very necessary, or absolutely or indispensably necessary. The word is used in various senses, and in its construction the subject, the context, the intention, are all to be taken into view. The powers of the Government were given for the welfare of the nation. They were intended to endure for ages to come, and to be adapted to the various *crises* in human affairs. To prescribe the specific means by which Government should in all future time execute its power, and to confine the choice of means to such narrow limits as should not leave it in the power of Congress to adopt any which might be appropriate and conducive to the end, would be most unwise and pernicious, because it would be an attempt to provide, by immutable rules, for exigencies which, if foreseen at all, must have been foreseen dimly, and would deprive the legislature of the capacity to avail itself of experience, or to

exercise its reason, and accommodate its legislation to circumstances. If the end be legitimate, and within the scope of the Constitution, all means which are appropriate, and plainly adapted to this end, and which are not prohibited by the Constitution, are lawful."*

Guided by these principles of interpretation, it is obvious that if the confiscation of property, or the liberation of slaves of rebels, be "plainly adapted to the end"—that is, to the suppression of rebellion—it is within the power of Congress to pass laws for those purposes. Whether they are adapted to produce that result is for the legislature alone to decide. But, in considering the war powers conferred upon that department of government, a broad distinction is to be observed between confiscation or emancipation laws, passed in time of peace, for the punishment of crime, and similar laws, passed in time of war, to aid the President in suppressing rebellion, in carrying on a civil war, and in securing "the public welfare" and maintaining the "common defence" of the country. Congress may pass such laws in peace or in war as are within the general powers conferred on it, unless they fall within some express prohibition of the Constitution. If confiscation or emancipation laws are enacted under the war powers of Congress, we must determine, in order to test their validity, whether, in suppressing a rebellion of colossal proportions, the United States are, within the meaning of the Constitution, *at war* with its own citizens? whether confiscation and emancipation are sanctioned as belligerent rights by the law and usage of civilized nations? and whether our Government has full belligerent rights against its rebellious subjects?

ARE THE UNITED STATES AT WAR?

War may originate in either of several ways. The navy of a European nation may attack an American frigate in a remote sea. Hostilities then commence without any invasion of the soil of America, or any insurrection of its inhabitants. A foreign power may send troops into our territory with hostile intent, and without declaration of war; yet war would exist solely by this act of invasion. Congress, on one occasion, passed a resolution that "war existed by the act of Mexico;" but no declaration of war had been made by either belligerent. Civil war may commence either as a general armed insurrection of slaves, a servile war; or as an insurrection of their masters, a rebellion; or as an attempt, by a considerable portion of the subjects, to overthrow their government—which attempt, if successful, is termed a revolution. Civil war, within the meaning of the Constitution, exists also whenever any combination of citizens is formed to resist generally the execution of any one or of all the laws of the United States, if accompanied with overt acts to give that resistance-effect.

* On the Interpretation of Constitutional power, see 1 Kent's Com. 261, 262; *McOullock v. The State of Maryland*, 4 Wheat. R. 413-420.

DECLARATION OF WAR NOT NECESSARY ON THE PART OF THE GOVERNMENT TO GIVE IT FULL BELLIGERENT POWERS.

A state of war may exist, arising in either of the modes above mentioned, without a declaration of war by either of the hostile parties. Congress has the sole power, under the Constitution, to make that declaration, and to sanction or authorize the commencement of *offensive* war. If the United States commence hostilities against a foreign nation, such commencement is by proclamation, which is equivalent to a declaration of war. But this is quite a different case from a defensive or a civil war. The Constitution establishes the mode in which this Government shall *commence* wars, and what authority shall ordain, and what declarations shall precede, any act of hostility; but it has no power to prescribe the manner in which others should begin war against us. Hence it follows, that when war is commenced against this country, by aliens or by citizens, no declaration of war by the Government is necessary.* The fact that war is levied against the United States, makes it the duty of the President to call out the army or navy to subdue the enemy, whether foreign or domestic. The chief object of a declaration of war is to give notice thereof to neutrals, in order to fix their rights, and liabilities to the hostile powers, and to give to innocent parties reasonable time to withdraw their persons and property from danger. If the commander-in-chief could not call out his forces to repel an invasion until Congress should have made a formal declaration of war, a foreign army might march from Canada to the Gulf before such declaration could be made, if it should commence the campaign while Congress was not in session. Before a majority of its members could be convened, our navy might be swept from the seas. The Constitution, made as it was by men of sense, never leaves the nation powerless for self-defence. That instrument, which gives the legislature authority to declare war, whenever war is *initiated* by the United States, also makes it the duty of the President, as commander-in-chief, to engage promptly and effectually in war; or, in other words, to make the United States a belligerent nation, without declaration of war, or any other act of Congress, whenever he is legally called upon to suppress rebellion, repel invasion, or to execute the laws against armed and forcible resistance thereto. The President has his duty, Congress have theirs; they are separate, and in some respects independent. Nothing is clearer than this, that when such a state of hostilities exists as justifies the President in calling the army into actual service, without the authority of Congress, no declaration of war is requisite, either in form or substance, for any purpose whatsoever. Hence it follows, that Government, while engaged in suppressing a rebellion, is not deprived of the rights of a bel-

ligerent against rebels, by reason of the fact that no formal declaration of war has been made against them, as though they were an alien enemy—nor by reason of the circumstance that this great civil war originated, so far as we are parties to it, in an effort to resist an armed attack of the citizens upon the soldiers and the forts of the United States. It must not be forgotten that by the law of nations, and by modern usage, no formal *declaration of war to the enemy* is made or deemed necessary.* All that is now requisite is for each nation to make suitable declarations or proclamations to its own citizens, to enable them to govern themselves accordingly. These have been made by the President.

HAS GOVERNMENT FULL WAR POWERS AGAINST REBEL CITIZENS?

Some persons have questioned the right of the United States to make and carry on war against citizens and subjects of this country. Conceding that the President may be authorized to call into active service the navy and army "to repel invasion, or suppress rebellion," they neither admit that suppressing rebellion places the country in the attitude of making war on rebels, nor that the commander-in-chief has the constitutional right of conducting his military operations as he might do if he were actually at war (in the ordinary sense of the term) against an alien enemy. Misapprehension of the meaning of the Constitution on this subject has led to confusion in the views of some members of Congress during the last session, and has in no small degree emasculated the efforts of the majority in dealing with the questions of emancipation, confiscation, and enemy's property.

Some have assumed that the United States are not *at war* with rebels, and that they have no authority to exercise the rights of war against them. They admit that the army has been lawfully called into the field, and may kill those who oppose them; they concede that rebels may be taken captive, their gunboats may be sunk, and their property may be seized; that martial law may be declared in rebellious districts, and its pains and penalties may be enforced; that every armed foe may be swept out of the country by military power. Yet they entertain a vague apprehension that something in the Constitution takes away from these military proceedings, in suppressing rebellion and in resisting the attacks of the rebels, the quality and character of warfare. All these men in arms are not, they fancy, "*making war*." When the citizens of Charleston bombarded Fort Sumter, and captured property exclusively owned by the United States, it is not denied that they were "*waging war*" upon the Government. When Major Anderson returned the enemy's fire and attempted to defend the fort and the guns from capture, it is *denied* that the country was "*waging war*." While other nations, as well as our own, had

* See opinion of the Supreme Court of the United States on this subject, pronounced March, 1863.

* See 1 Kent's Com. p. 54.

formally or informally conceded to the rebels the character and the rights usually allowed to belligerents—that is, to persons making war on us—we, according to the constitutional scruple above stated, were not entitled to the rights of belligerents against them. It therefore becomes important to know what, according to the Constitution, the meaning of the term “levying war” really is; and as the military forces of this country are in actual service to suppress rebellion, whether such military service is *making war* upon its own citizens; and if war actually exists, whether there is any thing in the Constitution that limits or controls the full enjoyment and exercise by the Government of the rights of a belligerent against the belligerent enemy?

IS “SUPPRESSING REBELLION” BY ARMS MAKING WAR ON THE CITIZENS OF THE UNITED STATES, IN THE SENSE OF THE CONSTITUTION?

To “repel invasion” by arms, all admit, is entering upon defensive war against the invader. War exists wherever and whenever the army or navy is in active service against a public enemy.

When *rebels* are organized into armies in large numbers, overthrow the government, invade the territory of States not consenting thereto, attack, and seize, and confiscate the property not of the Government only, but of all persons who continue loyal, such proceedings constitute war in all its terrors—a war of subjugation and of conquest, as well as of rebellion. Far less than these operations constitutes the *levying of war*, as those terms are explained in the language of the Constitution.

“War is levied” on the United States wherever and whenever the crime of *treason* is committed, (see Constitution, Art. III. Sect. 3, Cl. 3,) and under that clause, as interpreted by the Supreme Court, “war is levied” when there exists a combination resorting to overt acts to oppose generally the execution of any law of the United States, even if no *armed force* be used. The language of the Constitution is clear and express. “Treason shall consist only in levying war upon the United States, or in giving aid and comfort to the enemy.” If, therefore, any person, or collection of persons, have committed the crime of treason, the Constitution declares them to have *levied war*. As *traitors* they have become belligerent, or war-levying enemies.

War may be waged *against* the Government or *by* the Government; it may be either offensive or defensive. Wherever war exists there must be two parties to it. If traitors (belligerents by the terms of the Constitution) are one party, the Government is the other party. If, when treason is committed, any body is at war, then it follows that the United States are at war. The inhabitants of a section of this country have issued a manifesto claiming independence; they have engaged in open war on land and sea to maintain it; they have invaded territory of peaceful and loyal sections of the Union; they have seized and confiscated ships, arsenals, arms, forts,

public and private property of our Government and people, and have killed, captured, and imprisoned soldiers and private citizens. Of the million of men in arms, are those on one side levying war, and are those opposed to them *not* levying war?

As it takes two parties to carry on war, either party may begin it. That party which begins usually declares war. But when it is actually begun, the party attacked is as much at war as the party who made the attack. The United States are AT WAR with rebels, in the strictly legal and constitutional sense of the term, and have therefore all the rights against them which follow from a state of *war*, in addition to those which are derived from the fact that the rebels are also subjects.

REBELS MAY BE TREATED AS BELLIGERENTS AND AS SUBJECTS.

Wars may be divided into two classes, foreign and civil. In all civil wars the Government claims the belligerents, on both sides, as subjects, and has the legal right to treat the insurgents both as subjects and as belligerents; and they therefore may exercise the full and untrammelled powers of war against their subjects, or they may, in their discretion, relieve them from any of the pains and penalties attached to either of these characters. The right of a country to treat its rebellious citizens *both as belligerents and as subjects* has long been recognized in Europe, and by the Supreme Court of the United States. In the civil war between St. Domingo and France, such rights were exercised, and were recognized as legitimate in *Rose v. Himely*, 4 Cranch, 272. So in *Cherriot v. Fousatt*, 3 Binney, 252. In *Dobrie v. Napier*, 3 Scott R. 225, it was held that a blockade of the coast of Portugal, by the Queen of that country, was lawful, and a vessel was condemned as a *lawful prize* for running the blockade. The cases of the *Santisima Trinidad*, 7 Wheat. 306, and *United States v. Palmer*, 3 W. 635, confirm this doctrine. By the terms of the Constitution defining treason, a traitor *must be a subject and a belligerent*, and none but a belligerent subject can be a traitor.

The Government have in fact treated the insurgents *as belligerents* on several occasions, without recognizing them in express terms as such. They have received the capitulation of rebels at Hatteras, as prisoners of war, *in express terms*, and have exchanged prisoners of war as such, and have blockaded the coast by military authority, and have officially informed other nations of such blockade, and of their intention to make it effective, under the present law of nations. They have not exercised their undoubted right to repeal the laws making either of the blockaded harbors ports of entry. They have relied solely on their *belligerent* rights, under the law of nations.

Having thus the full powers and right of making and carrying on war against the rebels, both as subjects and as belligerents, this right frees

the President and Congress from the difficulties which might arise if rebels could be treated *only* as subjects, and if war could not be waged upon them. If conceding to rebels the privileges of belligerents should relieve them from some of the harsher penalties of treason, it will subject them to the liabilities of the belligerent character. The privileges and the disadvantages are correlative. But it is by no means conceded that the Government may not exercise the right of treating the same rebels both as subjects and as belligerents. The Constitution defines a rebel who commits treason as one who "levies war" on the United States; and the laws punish this highest of crimes with death, thus expressly treating the same person as *subject* and as *belligerent*. Those who save their necks from the halter by claiming to be treated as prisoners of war, and so to protect themselves under the shield of belligerent rights, must bear the weight of that shield, and submit to the legal consequences of the character they claim. They cannot sail under two flags at the same time. But a rebel does not cease to be a subject because he has turned traitor. The Constitution expressly authorizes Congress to pass laws to punish traitor—that is, belligerent—subjects; and suppressing rebellion by armed force is making war. Therefore the war powers of Government give full belligerent rights against rebels in arms.

THE LAW OF NATIONS IS ABOVE THE CONSTITUTION.

Having shown that the United States being actually engaged in civil war—in other words, having become a belligerent power, without formal declaration of war—it is important to ascertain what some of the *rights* of *belligerents* are, according to the law of nations. It will be observed that the law of nations is above the constitution of any government, and no people would be justified by its peculiar constitution in violating the rights of other nations. Thus, if it had been provided in the Articles of Confederation, or in the present Constitution, that all citizens should have the inalienable right to practise the profession of *piracy* upon the ships and property of foreign nations, or that they should be lawfully empowered to make incursions into England, France, or other countries, and seize by force and bring home such men and women as they should select, and, if these privileges should be put in practice, England and France would be justified in treating us as a nest of pirates, or a band of marauders and outlaws. The whole civilized world would turn against us, and we should justly be exterminated. An association or agreement on our part to violate the rights of others, by whatever name it may be designated, whether it be called a constitution, or league, or conspiracy, or a domestic institution, is no justification, under the law of nations, for illegal or immoral acts.

INTERNATIONAL BELLIGERENT RIGHTS ARE DETERMINED BY THE LAW OF NATIONS.

To determine what are the rights of different

nations when making war upon each other, we look only to the law of nations. The peculiar forms or rights of the subjects of one of these war-making parties under their own government give them no rights over their enemy other than those which are sanctioned by international law. In the great tribunal of nations, there is a "higher law" than that which has been framed by either one of them, however sacred to each its own peculiar laws and constitution of government may be.

But while this supreme law is in full force, and is binding on all countries, softening the asperities of war, and guarding the rights of neutrals, it is not conceded that the government of the United States, in a civil war for the suppression of rebellion among its own citizens, is subject to the same limitations as though the rebels were a foreign nation, owing no allegiance to the country.

With this caveat, it will be desirable to state some of the rights of belligerents.

BELLIGERENT RIGHT OF CONFISCATION OF PERSONAL ESTATE.

Either belligerent may seize and confiscate all the property of the enemy, on land or on the sea, including real as well as personal estate.

PRIZE COURTS.

As the property of all nations has an equal right upon the high seas, (the highway of nations,) in order to protect the commerce of neutrals from unlawful interference, it is necessary that ships and cargoes seized on the ocean should be brought before some prize court, that it may be judicially determined whether the captured vessel and cargo were, in whole or in part, enemy's property or contraband of war. The decision of any prize court, according to the law of nations, is conclusive against all the world. Where personal property of the enemy is captured from the enemy, on land, in the enemy's country, no decision of any court is necessary to give a title thereto. Capture passes the title. This is familiar law as administered in the courts of Europe and America.*

TITLE BY CAPTURE.

Some persons have questioned whether title passes in this country by capture or confiscation, by reason of some of the limiting clauses of the Constitution; and others have gone so far as to assert that all the proceedings under martial law, such as capturing enemy's property, imprisonment of spies and traitors, and seizures of articles contraband of war, and suspending the *habeas corpus*, are in violation of the Constitution, which declares that no man shall be deprived of life, liberty, or property without due process of

* *Alexander v. Duke of Wellington*, 2 Russ. & Millar, 35. Lord Brougham said that military prize rests upon the same principles of law as prize at sea, though in general no statute passes with respect to it. See 1 Kent's Comm. 357.

law; * that private property shall not be taken for public use without just compensation; † that unreasonable searches and seizures shall not be made; ‡ that freedom of speech and of the press shall not be abridged; § and that the right of the people to keep and bear arms shall not be infringed. |

THESE PROVISIONS NOT APPLICABLE TO A STATE OF WAR.

If these rules are applicable to a state of war, then capture of property is illegal, and does not pass a title; no defensive war can be carried on; no rebellion can be suppressed; no invasion can be repelled; the army of the United States, when called into the field, can do no act of hostility. Not a gun can be fired *constitutionally*, because it might deprive a rebel foe of his life without *due process of law*—firing a gun not being deemed “due process of law.”

SECT. 4 of Art. IV. says, that “the United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the legislature, or of the Executive, when the legislature cannot be convened, against domestic violence.”

Art. I. SECT. 8, gives Congress power to declare war, raise and support armies, provide and maintain a navy; to provide for calling forth the militia to execute the laws of the Union, suppress insurrection and repel invasion; to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be in the service of the United States.

If these rules above cited have any application in a time of war, the United States *cannot protect* each of the States from invasion by citizens of other States, nor against domestic violence; nor can the army, or militia, or navy be used for any of the purposes for which the Constitution authorizes or requires their employment. If all men have the right to “keep and bear arms,” what right has the army of the Union to take them away from rebels? If “no one can constitutionally be deprived of life, liberty, or property, without due process of law,” by what right does Government seize and imprison traitors? By what right does the army kill rebels in arms, or burn up their military stores? If the only way of dealing constitutionally with rebels in arms is to go to law with them, the President should convert his army into lawyers, justices of the peace, and constables, and serve “summonses to appear and answer to complaints,” instead of a summons to surrender. He should send “GREETINGS” instead of sending rifle-shot. He should load his caissons with “pleas in abatement and demurrers,” instead of thirty-two pound shell and grape-shot. In short, he should levy writs of execution, instead of levying war. On the contrary, the Commander-in-Chief proposes a different application of the due process

of law. His summons is, that rebels should lay down their arms; his pleas are batteries and gunboats; his arguments are hot shot, and always “to the point;” and when his fearful execution is “levied on the body,” all that is left will be for the undertaker.

TRUE APPLICATION OF THESE CONSTITUTIONAL GUARANTEES.

The clauses which have been cited from the amendments to the Constitution were intended as declarations of the rights of peaceful and loyal citizens, and safeguards in the administration of justice by the civil tribunals; but it was necessary, in order to give the Government the means of defending itself against domestic or foreign enemies, to maintain its authority and dignity, and to enforce obedience to its laws, that it should have unlimited war powers; and it must not be forgotten that the same authority which provides those safeguards, and guarantees those rights, also imposes upon the President and Congress the duty of so carrying on war as of necessity to supersede and hold in temporary suspense such civil rights as may prove inconsistent with the complete and effectual exercise of such war powers, and of the belligerent rights resulting from them. The rights of war and the rights of peace cannot coexist. One must yield to the other. Martial law and civil law cannot operate at the same time and place upon the same subject-matter. Hence the Constitution is framed with full recognition of that fact; it protects the citizen in peace and in war; but his rights enjoyed under the Constitution, in time of peace are different from those to which he is entitled in time of war.

WHETHER BELLIGERENTS SHALL BE ALLOWED CIVIL RIGHTS UNDER THE CONSTITUTION DEPENDS UPON THE POLICY OF GOVERNMENT.

None of these rights, guaranteed to peaceful citizens by the Constitution, belong to them after they have become belligerents against their own government. They thereby forfeit all protection under that sacred charter which they have thus sought to overthrow and destroy. One party to a contract cannot break it and at the same time hold the other to perform it. It is true that if the Government elects to treat them as subjects and to hold them liable only to penalties for violating statutes, it must concede to them all the legal rights and privileges which other citizens would have when under similar accusations; and Congress must be limited to the provisions of the Constitution in legislation against them as citizens. But the fact that war is waged by these miscreants releases the Government from all obligation to make that concession, or to respect the rights to life, liberty, or property of its enemy, because the Constitution makes it the duty of the President to prosecute war against them in order to suppress rebellion and repel invasion.

* Constitutional Amendments, Art. V.
‡ Ibid. Art. IV.

§ Ibid. Art. I.

† Ibid. Art. V.
| Ibid. Art. II.

THE CONSTITUTION ALLOWS CONFISCATION.

* Nothing in the Constitution interferes with the belligerent right of confiscation of enemy property. The right to confiscate is derived from a state of war. It is one of the rights of war. It originates in the principle of self-preservation. It is the means of weakening the enemy and strengthening ourselves. The right of confiscation belongs to the Government as the necessary consequence of the power and duty of making war—offensive or defensive. Every capture of enemy ammunition or arms is, in substance, a confiscation, without its formalities. To deny the right of confiscation is to deny the right to make war, or to conquer an enemy.

If authority were needed to support the right of confiscation, it may be found in 3 Dallas, 227; Vat. lib. iii. ch. 8, sect. 188; lib. iii. ch. 9, sect. 161; *Smith v. Mansfield*, Cranch, 306-7; *Cooper v. Telfair*, 4 Dallas; *Brown v. U. S.*, 8 Cranch, 110, 228, 229.

The following extract is from 1 Kent's Com., p. 59:

"But however strong the current of authority in favor of the modern and milder construction of the rule of national law on this subject, the point seems to be no longer open for discussion in this country; and it has become definitely settled in favor of the ancient and sterner rule by the Supreme Court of the United States. *Brown v. United States*, 8 Cranch, 110; *ibid.* 228, 229.

"The effect of war on British property found in the United States on land, at the commencement of the war, was learnedly discussed and thoroughly considered in the case of *Brown*, and the Circuit Court of the United States at Boston decided as upon a settled rule of the law of nations, that the goods of the enemy found in the country, and all vessels and cargoes found afloat in our ports at the commencement of hostilities, were liable to seizure and confiscation; and the exercise of the right vested in the discretion of the sovereign of the nation.

"When the case was brought up on appeal before the Supreme Court of the United States, the broad principle was assumed that war gave to the sovereign the full right to take the persons and confiscate the property of the enemy wherever found; and that the mitigations of this rigid rule, which the wise and humane policy of modern times had introduced into practice, might, more or less, affect the exercise of the right, but could not impair the right itself.

"Commercial nations have always considerable property in possession of their neighbors; and when war breaks out, the question, What shall be done with enemy property found in the country? is one rather of policy than of law, and is one properly addressed to the consideration of the legislature, and not to the courts of law.

"The strict right of confiscation of that species of property existed in Congress, and without a legislative act authorizing its confiscation it could not be judicially condemned; and the act of Con-

gress of 1812 declaring war against Great Britain was not such an act. Until some statute directly applying to the subject be passed, the property would continue under the protection of the law, and might be claimed by the British owner at the restoration of peace.

"Though this decision established the right contrary to much of modern authority and practice, yet a great point was gained over the rigor and violence of the ancient doctrine, by making the exercise of the right depend upon a special act of Congress."

From the foregoing authorities, it is evident that the government has a right, as a belligerent power, to capture or to confiscate any and all the personal property of the enemy; that there is nothing in the Constitution which limits or controls the exercise of that right; and that capture in war, or confiscation by law, passes a complete title to the property taken; and that, if judicial condemnation of enemy property be sought, in order to pass the title to it by formal decree of courts, by mere seizure, and without capture, the confiscation must have been declared by act of Congress, a mere declaration of war not being *ex vi termini* sufficient for that purpose. The army of the Union, therefore, have the right, according to the law of nations, and of the Constitution, to obtain by capture a legal title to all the personal property of the enemy they get possession of, whether it consist of arms, ammunition, provisions, slaves, or any other thing which the law treats as personal property. No judicial process is necessary to give the Government full title thereto, and when once captured, the Government may dispose of the property as absolute owner thereof, in the same manner as though the title passed by bill of sale; and Congress have plenary authority to pass such confiscation laws against belligerent enemies as they deem for the public good.

MILITARY GOVERNMENT UNDER MARTIAL LAW.

In addition to the right of confiscating personal property of the enemy, a state of war also confers upon the Government other not less important belligerent rights, and among them, the right to seize and hold conquered territory by military force, and of instituting and maintaining military government over it, thereby suspending in part, or in the whole, the ordinary civil administration. The exercise of this right has been sanctioned by the decision of the Supreme Court of the United States, in the case of California.* And it is founded upon well-established doctrines of the law of nations. Without the right to make laws and administer justice in conquered territory, the inhabitants would be plunged into anarchy. The old Government being overthrown, and no new one being established, there would be none to whom allegiance would be due—none to restrain lawlessness, none to secure to any persons any civil rights whatever. Hence, from the necessity of the case, the conqueror has pow-

* *Cross v. Harrison*, 16 How. 164-190.

er to establish a quasi military civil administration of government for the protection of the innocent, the restraint of the wicked, and the security of that conquest for which war has been waged.*

It is under this power of holding and establishing military rule over conquered territory, that all provisional governments are instituted by conquerors. The President, as Commander-in-Chief, has formally appointed Andrew Johnson Governor of Tennessee, with all the powers, duties, and functions pertaining to that office, during the pleasure of the President, or until the loyal inhabitants of that State shall organize a civil government in accordance with the Constitution of the United States. To legalize these powers and duties, it became expedient to give him a military position; hence he was nominated as a Brigadier-General, and his nomination was confirmed by the Senate. Mr. Stanly acts as provisional Military Governor of North-Carolina, under similar authority. All acts of military government which are within the scope of their authority, are as legal and constitutional as any other military proceeding. Hence any section of this country, which, having joined in a general rebellion, shall have been subdued and conquered by the military forces of the United States, may be subjected to military government, and the rights of citizens in those districts are subject to martial law, so long as the war lasts. Whatever of their rights of property are lost in and by the war, are lost for ever. No citizen, whether loyal or rebel, is deprived of any right guaranteed to him in the Constitution by reason of his subjection to martial law, because martial law, when in force, is constitutional law. The people of the United States, through their lawfully chosen Commander-in-Chief, have the constitutional right to seize and hold the territory of a belligerent enemy, and to govern it by martial law, thereby superseding the local Government of the place, and all rights which rebels might have had as citizens of the United States, if they had not violated the laws of the land by making war upon the country.

By martial law, loyal citizens may be for a time debarred from enjoying the rights they would be entitled to in time of peace. Individual rights must always be held subject to the exigencies of national safety.

In war, when martial law is in force, the laws of war are the laws which the Constitution expressly authorizes and requires to be enforced. The Constitution, when it calls into action martial law, for the time changes civil rights, or rights which the citizen would be entitled to in peace, because the rights of persons in one of these cases are totally incompatible with the obligations of persons in the other. Peace and war cannot exist together; the laws of peace and of war cannot

operate together; the rights and procedures of peaceful times are incompatible with those of war. It is an obvious but pernicious error to suppose that in a state of war, the rules of martial law, and the consequent modification of the rights, duties, and obligations of citizens, private and public, are not authorized strictly under the Constitution. And among the rights of martial law, none is more familiar than that of seizing and establishing a military government over territory taken from the enemy; and the duty of thus protecting such territory is imperative, since the United States are obligated to guarantee to each State a republican form of government.* That form of government having been overthrown by force, the country must take such steps, military and civil, as may tend to restore it to the loyal citizens of that State, if there be any; and if there be no persons who will submit to the Constitution and laws of the United States, it is their duty to hold that State by military power, and under military rule, until loyal citizens shall appear there in sufficient numbers to entitle them to receive back into their own hands the local government.

A SEVERE RULE OF BELLIGERENT LAW.

"Property of persons residing in the enemy's country is deemed, in law, hostile, and subject to condemnation without any evidence as to the opinions or predilections of the owner." If he be the subject of a neutral, or a citizen of one of the belligerent States, and has expressed no disloyal sentiments toward his country, still his residence in the enemy's country impresses upon his property, engaged in commerce and found upon the ocean, a hostile character, and subjects it to condemnation. This familiar principle of law is sanctioned in the highest courts of England and of the United States, and has been decided to apply to cases of civil as well as of foreign war.†

Thus personal property of every kind, ammunition, provisions, contraband, or slaves, may be lawfully seized, whether of loyal or disloyal citizens, and is by law presumed hostile, and liable to condemnation, if captured within the rebellious districts. This right of seizure and condemnation is harsh, as all the proceedings of war are harsh, in the extreme, but it is nevertheless lawful. It would be harsh to kill in battle a loyal citizen who, having been impressed into the ranks of the rebels, is made to fight against his country; yet it is lawful to do so.

Against all persons in arms, and against all property situated and seized in rebellious districts, the laws of war give the President full belligerent rights; and when the army and navy are once lawfully called out, there are no limits to the war-making power of the President, other than the law of nations, and such rules as Congress may pass for their regulation.

* See *Fleming v. Page*, 9 How. 615. *Leitenadorfer v. Webb*, 20 How. 171. As to California, see *Stat. at Large*, Vol. 12, p. 452. New Mexico, *Stat. at Large*, ibid. 446. Halleck on International Law, §1. Story on Const. Sect. 1324. *Amer. Ins. Co. v. Canter*, 1 Pet. S. C. R. 542-3.

* Constitution, Art. IV. Sect. 4, Cl. 1.

† *The Venus*, 8 Cranch Rep.; *The Hoop*, 1 Robinson, 196, and cases there cited. *The Amy Warwick*, opinion of Judge Sprague.

"The statute of 1807, chap. 39," says a learned judge,* "provides that whenever it is lawful for the President to call forth the militia to suppress an insurrection, he may employ the land and naval forces for that purpose. The authority to use the army is thus expressly confirmed, but the *manner* in which they are to be used is not prescribed. That is left to the discretion of the President, guided by the usages and principles of civilized war."

As a matter of expediency, Congress may direct that *no* property of *loyal citizens*, residing in *disloyal* States, should be seized by military force, without compensation. This is an act of grace, which, though not required by the *laws of war*, may well be granted. The Commander-in-Chief may also grant the same indulgence. But the military commanders are always at liberty to seize, in any enemy's country, whatever property they deem necessary for the sustenance of troops, or military stores, whether it is the property of friend or enemy; it being usual, however, to pay for all that is taken from friends. These doctrines have been carried into effect in Missouri.

The President having adopted the policy of protecting loyal citizens wherever they may be found, all seizure of their property, and all interference with them, have so far been forborne. But it should be understood that such forbearance is optional, not compulsory. It is done from a sense of justice and humanity, not because law or Constitution render it inevitable. And this forbearance is not likely to be carried to such an extent as to endanger the success of the armies of the Union, nor to despoil them of the legitimate fruits of victory over rebels.

CIVIL RIGHTS OF LOYAL CITIZENS IN LOYAL DISTRICTS ARE MODIFIED BY THE EXISTENCE OF WAR.

While war is raging, many of the rights held sacred by the Constitution—rights which cannot be violated by any acts of Congress—may and must be suspended and held in abeyance. If this were not so, the government might itself be destroyed; the army and navy might be sacrificed, and one part of the Constitution could nullify the rest.

If *freedom of speech* cannot be suppressed, spies cannot be caught, imprisoned, and hung.

If *freedom of the press* cannot be interfered with, all our military plans may be betrayed to the enemy.

If no man can be *deprived of life without trial by jury*, a soldier cannot slay the enemy in battle.

If *enemy's property* cannot be taken without "due process of law," how can the soldier disarm his foe and seize his weapons?

If no person can be arrested, sentenced, and shot, without *trial by jury* in the county or State where his crime is alleged to have been

committed, how can a *deserter be shot*, or a *spy be hung*, or an *enemy be taken prisoner*?

It has been said that "*amidst arms the laws are silent*." It would be more just to say, that while war rages, the *rights*, which in peace are sacred, must and do give way to the higher right—the right of *public safety*—the right which the country, *the whole country*, claims to be protected from its enemies, domestic and foreign—from spies, from conspirators, and from traitors.* The sovereign and almost dictatorial powers—existing only in actual war; ending when war ends—to be used in self-defence, and to be laid down when the occasion has passed, are, while they last, as *lawful*, as *constitutional*, as *sacred*, as the administration of justice by judicial courts in times of peace. They may be dangerous; war itself is dangerous; but danger does not make them *unconstitutional*. If the Commander-in-Chief orders the army to seize the arms and ammunition of the enemy; to capture their persons; to shell out their batteries; to hang spies or shoot deserters; to destroy the armed enemy in open battle; to send traitors to forts and prisons; to stop the press from aiding and comforting the enemy by betraying our military plans; to arrest within our lines, or wherever they can be seized, persons against whom there is reasonable evidence of their having aided or abetted the rebels, or of intending so to do—the pretension that in so doing he is violating the Constitution is not only erroneous, but it is a plea in behalf of treason. To set up the rules of civil administration as overriding and controlling the laws of war, is to aid and abet the enemy. It falsifies the clear meaning of the Constitution, which not only gives the power, but makes it the plain duty of the President, to go to war with the enemy of his country. And the restraints to which he is subject *when in war*, are not to be found in the municipal regulations, which can be administered only in peace, but in the laws and usages of nations regulating the conduct of war.

BELLIGERENT RIGHT TO CONFISCATE ENEMY'S REAL ESTATE.

The *belligerent right* of the Government to confiscate *enemy's real estate*, situated in *this country*, can hardly admit of a question. The title to no inconsiderable part of the real estate in each of the original States of the Union, rests upon the validity of confiscation acts, passed by our ancestors against loyal adherents to the crown. Probably none of these States failed to pass and apply these laws. English and American acts of confiscation were recognized by the laws of both countries, and their operation modified by treaties; their *validity never was denied*. The *only* authority which either of the States or colonies ever had for passing such laws was

* "Among absolute international rights, one of the most essential and important, and that which lies at the root of all the rest, is the right of self-preservation. It is not only a right in respect to other States, but it is a duty in respect to its own members, and the most solemn and important which a State owes to them."—Wheaton, p. 115, 116.

* Judge Sprague.

derived from the fact that they were *belligerents*.

It will be observed that the question as to the belligerent right to confiscate enemy's real estate situated in the United States, is somewhat different from the question whether in conquering a foreign country it will be lawful to confiscate the private real estate of the enemy.

It is *unusual*, in case of a *conquest* of a foreign country, for the conqueror to do more than to displace its sovereign, and assume dominion over the country. On a *mere* change of *sovereignty* of the country, it would be harsh and severe to confiscate the private property and annul the private rights of citizens generally. And *mere* conquest of a country does not of itself operate as confiscation of enemy's property; nor does the cession of a country by one nation to another destroy private rights of property, or operate as confiscation of personal or real estate.* So it was held by the Supreme Court in the case of the transfer by treaty of Florida to the United States; but it was specially provided in that treaty that private property should not be interfered with. The forbearance of a conqueror from confiscating the entire property of a conquered people is usually founded in good policy, as well as in humanity. The object of foreign conquest is to acquire a permanent addition to the power and territory of the conqueror. This object would be defeated by stripping his subjects of every thing. The case is very different where confiscation will only break up a nest of traitors, and drive them away from a country they have betrayed.

Suppose that certain Englishmen owned large tracts of real estate in either of the United States or territories thereof, and war should break out; would any one doubt the right of Congress to pass a law confiscating such estate?

The laws of nations allow either belligerent to seize and appropriate whatever property of the enemy it can gain possession of; and, of all descriptions of property which government could safely permit to be owned or occupied by an alien enemy, real estate within its own dominion would be the last.

No distinction can be properly or legally made between the different kinds of enemy property, whether real, personal, or mixed, so far as regards their liability to confiscation by the war power. Lands, money, slaves, debts, may and have been subject to this liability. The methods of appropriating and holding them are different—the result is the same. And, considering the foundation of the right, the object for which it is to be exercised, and the effects resulting from it, there is nothing in law, or in reason, which would indicate why one can and the other cannot be taken away from the enemy.

In *Brown v. United States*, 8 Cranch, p. 123, the Supreme Court of the United States say:

"Respecting the power of Government, no doubt is entertained. That war gives to the sov-

ereign the full right to take the persons and confiscate the property of the enemy, wherever found, is conceded. The mitigations of this rule, which the humane and wise policy of modern times has introduced into practice, will more or less affect the exercise of this right, but cannot impair the right itself—that remains undiminished; and when the sovereign authority shall choose to bring it into operation, the judicial department must give effect to its will."

"It may be considered," they say, "as the opinion of all who have written on the *jus belli*, that war gives the right to confiscate," etc.

Chancellor Kent says:

"When war is duly declared, it is not merely a war between this and the adverse government in their political characters. Every man is, in judgment of law, a party to the acts of his own government, and a war between the government of two nations is a war between all the individuals of the one and all the other individuals of which the other nation is composed. Government is the representative of the will of the people, and acts for the whole society. This is the theory of all governments, and the best writers on the law of nations concur in the doctrine, that when the sovereign of a State declares war against another sovereign, it implies that the whole nation declares war, and that all the subjects of the one are enemies to all the subjects of the other."

"Very important consequences concerning the obligations of subjects are deducible from this principle. When hostilities have commenced, the first objects that present themselves for detention and capture are the persons and property of the enemy found within the territory on the breaking out of war. According to strict authority, a State has a right to deal as an enemy with persons and property so found within its power, and to confiscate the property and detain the persons as prisoners of war."*

We thus see, that by the law of nations, by the practice of our own States, by the decisions of courts, by the highest authority of legal writers, and by the deductions of reason, there can be no question of the constitutional right of confiscation of enemy real estate of which we may gain possession. And the legal presumption that real estate situated in rebellious districts is enemy property, would seem to be as well founded as it is in the case of personal property.†

It is for the Government to decide how it shall use its belligerent right of confiscation. The number of slaveholders in the rebellious States, who are the principal land-owners in that region, and who are the chief authors and supporters of this rebellion, constitute, all told, less than *one in one hundred and twenty-eight* of the people of the United States, and less than *one fiftieth* part of the inhabitants of their own districts, be-

* 1 Kent's Com., p. 55. See also Grotius, B. III. ch. 3, sect. 9; ch. 4, sect. 8. Burlamaqui, Part IV. ch. 4, sect. 20. Vattel, B. III. ch. 5, sect. 70.

† See preceding page.

ing far less in proportion to the whole population of the country than the *old Tories* in the time of the Revolution were to the colonists.*

CHAPTER III.

WAR POWER OF THE PRESIDENT TO EMANCIPATE SLAVES.

The power of the President, as Commander-in-Chief of the Army and Navy of the United States, when in actual service, to emancipate the slaves of any belligerent section of the country, if such a measure becomes necessary to save the Government from destruction, is not, it is presumed, denied by any respectable authority.†

WHY THE POWER EXISTS.

The liberation of slaves is looked upon as a means of embarrassing or weakening the enemy, or of strengthening the military power of our army. If slaves be treated as contraband of war, on the ground that they may be used by their masters to aid in prosecuting war, as employés upon military works, or as laborers, furnishing by their industry the means of carrying on hostilities; or if they be treated as, in law, belligerents, following the legal condition of their owners; or if they be deemed loyal subjects, having a just claim upon the Government to be released from their obligations to give aid and service to disloyal and belligerent masters, in order that they may be free to perform their higher duty of allegiance and loyalty to the United States; or if they be regarded as subjects of the United States, liable to do military duty; or if they be made citizens of the United States, and soldiers; or if the authority of the masters over their slaves is the means of aiding and comforting the enemy, or of throwing impediments in the way of the Government, or depriving it of such aid and assistance in successful prosecution of the war as slaves would and could afford, if released from the control of the enemy; or if releasing the slaves would embarrass the enemy, and make it more difficult for them to collect and maintain large armies; in either of these cases, the taking away of these slaves from the "aid and service" of the enemy, and putting them to the aid and service of the United States, is justifiable as an act of war. The ordinary way of depriving the enemy of slaves is by declaring emancipation.

THE PRESIDENT IS THE SOLE JUDGE.

"It belongs exclusively to the President to judge when the exigency arises in which he has authority, under the Constitution, to call forth the militia, and his decision is conclusive on all other persons."‡

The Constitution confers on the Executive,

* In corroboration of these views of the War Powers of Congress, see the chapter on the War Powers of the President, and Notes thereon.

† It has been shown in a previous chapter that the Government has a right to treat *rebels* either as *belligerents* or as subjects, and to subject them to the severities of international belligerent law.

‡ Such is the language of Chief Justice Taney, in delivering the opinion of the Supreme Court, in *Martin v. Mott*, 12 Wheaton, 19.

when in actual war, full belligerent powers. The emancipation of enemy's slaves is a belligerent right. It belongs exclusively to the President, as Commander-in-Chief, to judge whether he shall exercise his belligerent right to emancipate slaves in those parts of the country which are in rebellion. If exercised in fact, and while the war lasts, his act of emancipation is conclusive and binding for ever on all the departments of government, and on all persons whatsoever.

POWERS OF THE PRESIDENT NOT INCONSISTENT WITH POWERS OF CONGRESS TO EMANCIPATE SLAVES.

The right of the Executive to strike this blow against his enemy does not deprive Congress of the concurrent right or duty to emancipate enemy's slaves, if in *their judgment* a civil act for that purpose is required by public welfare and common defence, for the purpose of aiding and giving effect to such war measures as the Commander-in-Chief may adopt.

The military authority of the President is not incompatible with the peace or war powers of Congress; but both coexist, and may be exercised upon the same subject. Thus, when the army captures a regiment of soldiers, the legislature may pass laws relating to the captures. So may Congress destroy slavery by abolishing the laws which sustain it, while the commander of the army may destroy it by captures of slaves, by proclamation, or by other means.

IS LIBERATION OF ENEMY'S SLAVES A BELLIGERENT RIGHT?

This is the chief inquiry on this branch of the subject. To answer it we must appeal to the law of nations, and learn whether there is any commanding authority which forbids the use of an engine so powerful and so formidable—an engine which may grind to powder the disloyalty of rebels in arms, while it clears the avenue to freedom for four millions of Americans. It is only the law of nations that can decide this question, because the Constitution, having given authority to Government to make war, has placed no limit whatever to the war powers. There is, therefore, no legal control over the war powers except the law of nations, and no moral control except the usage of modern civilized belligerents.

THE LAW OF NATIONS SANCTIONS EMANCIPATION OF ENEMY'S SLAVES.

It is in accordance with the law of nations and with the practice of civilized belligerents in modern times, to liberate enemy's slaves in times of war by military power. In the Revolutionary War, England exercised that unquestioned right by not less than three of her military commanders—Sir Henry Clinton, Lord Dunmore, and Lord Cornwallis. That General Washington recognized and feared Lord Dunmore's appeal to the slaves, is shown by his letter on that subject.

"His strength," said Washington, "will increase as a snow-ball by rolling faster and faster, if some expedient cannot be hit upon to convince

the slaves and servants of the impotency of his designs."

The right to call the slaves of colonists to the aid of the British arms was expressly admitted by Jefferson, in his letter to Dr. Gordon. In writing of the injury done to his estates by Cornwallis, he uses the following language:

"He destroyed all my growing crops and tobacco; he burned all my barns, containing the same articles of last year. Having first taken what corn he wanted, he used, *as was to be expected*, all my stock of cattle, sheep, and hogs, for the sustenance of his army, and carried off all the horses capable of service. *He carried off also about thirty slaves. Had this been to give them freedom, he would have done right.* . . . From an estimate made at the time, on the best information I could collect, I suppose the State of Virginia lost under Lord Cornwallis's hands, that year, about thirty thousand slaves."

Great Britain, for the second time, used the same right against us in the war of 1812. Her naval and military commanders invited the slaves, by public proclamations, to repair to their standard, promising them freedom.* The slaves who went over to them were liberated, and were carried away contrary to the express terms of the treaty of Ghent, in which it was stipulated that they should not be carried away. England preferred to become liable for a breach of the treaty rather than to break faith with the fugitives. Indemnity for this violation of contract was demanded and refused. The question was referred to the decision of the Emperor of Russia, as arbitrator, who decided that indemnity should be paid by Great Britain, not because she had violated the law of nations in emancipating slaves, but because she had broken the terms of the treaty.

In the arguments submitted to the referee, the British Government broadly asserted the belligerent right of liberating enemy's slaves, even if they were treated as private property. Mr. Middleton was instructed by Mr. J. Q. Adams, then, in 1820, Secretary of State, to deny that right, and to present reasons for that denial. But that in this instance he acted in obedience to the instructions of the President and cabinet, and against his own opinions on the law of nations, is shown by his subsequent statement in Congress to that effect.† The question of international law was left undecided by the Emperor; but the assertion of England, that it is a legitimate exercise of belligerent rights to liberate enemy's slaves—a right which had previously been enforced by her against the colonies, and by France against her, and again by her against the United States—was entitled to great weight, as a reiterated and authentic reëffirmance of the well-settled doctrine.

* For Admiral Cochrane's Proclamation, instigating the slaves to desert their masters, see *Niles's Register*, vol. vi. p. 242.

† "It was utterly against my judgment and wishes; but I was obliged to submit, and prepared the requisite despatches." See *Congressional Globe*, XXVII. Cong. 2d. sess. 1841-2; vol. li. p. 424.

In speeches before the House of Representatives on the twenty-fifth of May, 1836, on the seventh of June, 1841, and on the fourteenth and fifteenth of April, 1842, Mr. Adams explained and asserted, in the amplest terms, the powers of Congress, and the authority of the President, to free enemies' slaves, as a legitimate act of war.* Thus leading statesmen of England and America have concurred in the opinion that emancipation is a belligerent right.

St. Domingo, in 1793, contained more than five hundred thousand negroes, with many mulattoes and whites, and was held as a province of France. Intestine commotions had raged for nearly three years between the whites and mulattoes, in which the negroes had remained neutral. The Spaniards, having effected an alliance with the slaves who had revolted in 1791, invaded the island, and occupied several important military points. England, also, was making a treaty with the planters to invade the country; and thus the possession seemed about to be wrested from France by the efforts of one or the other of its two bitterest foes. One thousand French soldiers, a few mulattoes and loyal slaveholders, were all the force which could be mustered in favor of the government, for the protection of this precious island, situated so far away from France.

Sonthonax and Polverel, the French commissioners, on the twenty-ninth of August, 1793, issued a proclamation, under martial law, wherein they declared all the slaves free, and thereby brought them over *en masse* to the support of the government. The English troops landed three weeks afterward, and were repulsed principally by the slave army.

On the fourth of February, 1794, the National Convention of France confirmed the act of the commissioners, and also abolished slavery in the other French colonies.

In June, 1794, Toussaint L'Ouverture, a colored man, admitted by military critics to be one of the great generals of modern times, having until then fought in favor of Spain, brought his army of five thousand colored troops to the aid of France, forced entrance into the chief city of the island, in which the French troops were beleaguered, relieved his allies, and offered himself and his army to the service of that government, which had guaranteed to them their freedom. From that hour the fortunes of the war changed. The English were expelled from the island in 1798; the Spaniards also gave it up; and in 1801 Toussaint proclaimed the republic in the Spanish portion of the island, which had been ceded to France by the treaty of 1795; thus extending the practical operation of the decree of emancipation over the whole island, and liberating one hundred thousand more persons who had been slaves of Spaniards.

The island was put under martial law; the planters were recalled by Toussaint, and permitted to hire their former slaves; and his govern-

* For extracts from these speeches, see *postea*.

ment was enforced by military power; and from that time until 1802, the progress of the people in commerce, industry, and general prosperity was rapid and satisfactory. But in 1802 the influence of emigrant planters, and of the Empress Josephine, a creole of Martinique, induced Napoleon to send a large army to the island, to re-establish the slave-trade and slavery in all the other islands except St. Domingo, with the design of restoring slavery there, after he should have conquered it. But war, sickness, and disasters broke up his forces, and the treacherous Frenchmen met the due reward of their perfidy, and were, in 1804, totally driven from the island. The independence of St. Domingo was actually established in 1804. The independence of Hayti was recognized by the United States in 1862.

From this brief outline it is shown that France recognizes the right, under martial law, to emancipate the slaves of an enemy—having asserted and exercised that right in the case of St. Domingo.* And the slaves thus liberated have retained their liberty, and compose, at this day, the principal population of a government who have entered into diplomatic relations with the United States.

In Columbia slavery was abolished, first by the Spanish General Morillo, and secondly by the American General Bolivar. "It was abolished," says John Quincy Adams, "by virtue of a military command given at the head of the army, and its abolition continues to this day. It was abolished by the laws of war, and not by the municipal enactments; the power was exercised by military commanders, under instructions, of course, from their respective governments."

AUTHORITY AND USAGE CONFIRM THE RIGHT.

It may happen, that when belligerents on both sides hold slaves, neither will deem it expedient, through fear of retaliation, to liberate the slaves of his adversary; but considerations of policy do not affect questions of international rights; and forbearance to exercise a power does not prove its non-existence. While no authority among eminent ancient writers on the subject has been found to deny the right of emancipation, the fact that England, France, Spain, and the South-American republics have actually freed the slaves of their enemies, conclusively shows that the law and practice of modern civilized nations sanction that right.

HOW FAR THE GOVERNMENT OF THE UNITED STATES, UNDER FORMER ADMINISTRATIONS, HAVE SANCTIONED THE BELLIGERENT RIGHT OF EMANCIPATING SLAVES OF LOYAL AND OF DISLOYAL CITIZENS.

The Government of the United States, in 1814, recognized the right of their military officers, in time of war, to appropriate to public use

the slaves of loyal citizens without compensation therefor; also, in 1836, the right to reward slaves who have performed public service, by giving freedom to them and to their families; also, in 1838, the principle that slaves of loyal citizens, captured in war, should be emancipated, and not returned to their masters; and that slaves escaping to the army of the United States should be treated as prisoners of war, and not as property of their masters. These propositions are supported by the cases of General Jackson, General Jessup, General Taylor, and General Gaines.

"In December, 1814," says a distinguished writer and speaker, "General Jackson impressed a large number of slaves at and near New-Orleans, and set them at work erecting defences, behind which his troops won such glory on the eighth of January, 1815. The masters remonstrated. Jackson disregarded their remonstrances, and kept the slaves at work until many of them were killed by the enemy's shot; yet his action was approved by Mr. Madison, the Cabinet, and by the Congress, which has ever refused to pay the masters for their losses. In this case, the masters were professedly friends to the government; and yet our Presidents, and cabinets, and generals have not hesitated to emancipate their slaves whenever, in time of war, it was supposed to be for the interest of the country to do so. This was done in the exercise of the war power to which Mr. Adams referred, and for which he had the most abundant authority."

"In 1836 General Jessup engaged several fugitive slaves to act as guides and spies, agreeing, if they would serve the government faithfully, to secure to them the freedom of themselves and families. They fulfilled their engagement in good faith. The General gave them their freedom, and sent them to the West. Mr. Van Buren's administration sanctioned the contract, and Mr. Tyler's administration approved the proceeding of the General in setting the slaves and their families free."

The writer above quoted says:

"Louis, the slave of a man named Pacheco, betrayed Major Dade's battalion in 1836, and when he had witnessed their massacre, he joined the enemy. Two years subsequently he was captured. Pacheco claimed him; General Jessup said if he had time, he would try him before a court-martial and hang him, but would not deliver him to any man. He, however, sent him West, and the fugitive slave became a free man. General Jessup reported his action to the War Department, and Mr. Van Buren, then President, with his Cabinet, approved it. Pacheco then appealed to Congress, asking that body to pay him for the loss of his slave. The House of Representatives voted against the bill, which was rejected. All concurred in the opinion that General Jessup did right in emancipating the slave, instead of returning him to his master."

"In 1838 General Taylor captured a number of negroes, said to be fugitive slaves. Citizens of Florida, learning what had been done, imme-

* For the decree of the French Assembly, see *Choix de Rapports—Opinions et Discours prononcés à la Tribune Nationale depuis 1789*. Paris, 1821, t. xiv. p. 425.—See *Abolition d'Esclavage, (Colonies Françaises), par Augustin Cochén*. Paris, 1861. Vol. I. pp. 14, 15, etc.

diately gathered around his camp, intending to secure the slaves who had escaped from them. General Taylor told them that he had no prisoners but 'prisoners of war.' The claimants then desired to look at them, in order to determine whether he was holding their slaves as prisoners. The veteran warrior replied that no man should examine his prisoners for such a purpose; and he ordered them to depart. This action, being reported to the War Department, was approved by the Executive. The slaves, however, were sent West, and set free.

"In 1838 many fugitive slaves and Indians, captured in Florida, had been ordered to be sent west of the Mississippi. Some of them were claimed at New-Orleans by their owners, under legal process. General Gaines, commander of the military district, refused to deliver them up to the sheriff, and appeared in court and stated his own defence.

"His grounds of defence were, 'that these men, women, and children were captured in war, and held as prisoners of war; that, as commander of that military department, he held them subject only to the order of the national Executive; that he could recognize no other power in time of war, or by the laws of war, as authorized to take prisoners from his possession. He asserted that in time of war all slaves were belligerents as much as their masters. The slave men cultivate the earth, and supply provisions. The women cook the food and nurse the sick, and contribute to the maintenance of the war, often more than the same number of males. The slave children equally contribute whatever they are able to the support of the war. The military officer, he said, can enter into no judicial examination of the claim of one man to the bone and muscle of another, as property; nor could he, as a military officer, know what the laws of Florida were while engaged in maintaining the Federal Government by force of arms. In such case he could only be guided by the laws of war, and whatever may be the laws of any State, they must yield to the safety of the Federal Government. He sent the slaves West, and they became free.'"^{*}

On the twenty-sixth of May, 1836, in a debate in the House of Representatives, upon the joint resolution for *distributing rations* to the distressed fugitives from Indian hostilities in the States of Alabama and Georgia, John Quincy Adams expressed the following opinions:

"Sir, in the authority given to Congress by the Constitution of the United States, to *declare war*, all the powers incidental to war are, by necessary implication, conferred upon the *Government* of the United States. Now the powers incidental to war are derived, not from their internal municipal source, but from the laws and usages of nations.

"There are, then, Mr. Chairman, in the *authority of Congress and of the Executive*, two

classes of powers, altogether different in their nature, and often incompatible with each other—the war power and the peace power. The peace power is limited by regulations and restricted by provisions prescribed within the Constitution itself. *The war power* is limited only by the laws and usages of nations. This power is tremendous; it is *strictly constitutional*, but it *breaks down every barrier so anxiously erected for the protection of liberty, of property, and of life.* This, sir, is the power which authorizes you to pass the resolution now before you, and, in my opinion, no other."

After an interruption, Mr. Adams went on to say:

"There are, indeed, powers of peace conferred upon Congress which also come within the scope and jurisdiction of the laws of nations, such as the negotiation of treaties of amity and commerce, the interchange of public ministers and consuls, and all the personal and social intercourse between the individual inhabitants of the United States and foreign nations and the Indian tribes, which require the interposition of any law. *But the powers of war are all regulated by the laws of nations, and are subject to no other limitation.* . . . It was upon this principle that I voted against the resolution reported by the slavery committee, 'that Congress possess no constitutional authority to interfere, in any way, with the institution of slavery in any of the States of this confederacy,' to which resolution most of those with whom I usually concur, and even my own colleagues in this house, gave their assent. *I do not admit that there is, even among the peace powers of Congress, no such authority; but in war there are many ways by which Congress not only have the authority, but ARE BOUND TO INTERFERE WITH THE INSTITUTION OF SLAVERY IN THE STATES.* The *existing law prohibiting the importation of slaves* into the United States from foreign countries is itself an *interference with the institution of slavery in the States.* It was so considered by the founders of the Constitution of the United States, in which it was stipulated that Congress should not interfere, in that way, with the institution, prior to the year 1808.

"During the late war with Great Britain, the military and naval commanders of that nation issued proclamations inviting the slaves to repair to their standard, with promises of freedom and of settlement in some of the British colonial establishments. This surely was an interference with the institution of slavery in the States. By the treaty of peace, Great Britain stipulated to evacuate all the forts and places in the United States, without carrying away any slaves. If the Government of the United States had no power to interfere, in any way, with the institution of slavery in the States, they would not have had the authority to require this stipulation. It is well known that this engagement was not fulfilled by the British naval and military commanders; that, on the contrary, they did carry away all the slaves whom they had induced to join them,

^{*} This defence of General Gaines may be found in House Document No. 225, of the second session of the Twenty-fifth Congress.

and that the *British Government inflexibly refused to restore any of them to their masters*; that a claim of indemnity was consequently instituted in behalf of the owners of the slaves, and was successfully maintained. All that series of transactions was an interference by Congress with the institution of slavery in the States in one way—in the way of protection and support. It was by the institution of slavery alone that the restitution of slaves, enticed by proclamations into the British service, could be claimed as *property*. But for the institution of slavery, the British commanders could neither have allured them to their standard, nor restored them otherwise than as liberated prisoners of war. But for the institution of slavery, there could have been no stipulation that they should not be carried away as property, nor any claim of indemnity for the violation of that engagement."

Mr. Adams goes on to state how the war power may be used:

"But the war power of Congress over the institution of slavery in the States is yet far more extensive. Suppose the case of a servile war, complicated, as to some extent it is even now, with an Indian war; suppose Congress were called to raise armies, *to supply money from the whole Union to suppress a servile insurrection*, would they have no authority to interfere with the institution of slavery? The issue of a servile war may be disastrous; it may become necessary for the master of the slave to recognize his emancipation by a treaty of peace: can it for an instant be pretended that Congress, in such a contingency, would have no authority to interfere with the institution of slavery, *in any way*, in the States? Why, it would be equivalent to saying that Congress have no constitutional authority to make peace. I suppose a more portentous case, certainly within the bounds of possibility—I would to God I could say, not within the bounds of probability—"

"Do you imagine," he asks, "that your Congress will have no constitutional authority to interfere with the institution of slavery, in any way, in the States of this confederacy? Sir, they must and will interfere with it—perhaps to sustain it by war, perhaps to abolish it by treaties of peace; and they will not only possess the constitutional power so to interfere, but they will be bound in duty to do it by the express provisions of the Constitution itself. From the instant that your slaveholding States become the theatre of a war, *civil, servile, or foreign war*, from that instant the war powers of Congress extend to interference with the institution of slavery, in every way by which it can be interfered with, from a claim of indemnity for slaves taken or destroyed, to the cession of States burdened with slavery to a foreign power."

Extracts from the speech of John Quincy Adams, delivered in the United States House of Representatives, April fourteenth and fifteenth, 1842, on war with Great Britain and Mexico:

"What I say is involuntary, because the subject has been brought into the house from an-

other quarter, as the gentleman himself admits. I would leave that institution to the exclusive consideration and management of the States more peculiarly interested in it, just as long as they can keep within their own bounds. So far, I admit that Congress has no power to meddle with it. As long as they do not step out of their own bounds, and do not put the question to the people of the United States, whose peace, welfare, and happiness are all at stake, so long I will agree to leave them to themselves. But when a member from a free State brings forward certain resolutions, for which, instead of reasoning to disprove his positions, you vote a censure upon him, and that without hearing, it is quite another affair. At the time this was done, I said that, as far as I could understand the resolutions proposed by the gentleman from Ohio, (Mr. Giddings,) there were some of them for which I was ready to vote, and some which I must vote against; and I will now tell this house, my constituents, and the whole of mankind, that the resolution against which I would have voted was that in which he declares that what are called the slave States have the exclusive right of consultation on the subject of slavery. For that resolution I never would vote, because I believe that it is not just, and does not contain constitutional doctrine. I believe that, so long as the slave States are able to sustain their institutions without going abroad or calling upon other parts of the Union to aid them or act on the subject, so long I will consent never to interfere. I have said this, and I repeat it; but if they come to the free States, and say to them, You must help us to keep down our slaves, you must aid us in an insurrection and a civil war, then I say that with that call comes full and plenary power to this house and to the Senate over the whole subject. It is a war power. I say it is a war power; and when our country is actually in war, whether it be a war of invasion or a war of insurrection, Congress has power to carry on the war, and must carry it on, according to the laws of war; and by the laws of war, an invaded country has all its laws and municipal institutions swept by the board, and martial law takes the place of them. This power in Congress has, perhaps, never been called into exercise under the present Constitution of the United States. But when the laws of war are in force, what, I ask, is one of those laws? It is this: that when a country is invaded, and two hostile armies are set in martial array, *the commanders of both armies have power to emancipate all the slaves in the invaded territory*. Nor is this a mere theoretic statement. The history of South-America shows that the doctrine has been carried into practical execution within the last thirty years. Slavery was abolished in Colombia, first, by the Spanish General Morillo, and, secondly, by the American General Bolivar. It was abolished by virtue of a military command given at the head of the army, and its abolition continues to be law to this day. It was abolished by the laws of war, and not by the municipal enactments;

the power was exercised by military commanders, under instructions, of course, from their respective governments. And here I recur again to the example of General Jackson. What are you now about in Congress? You are about passing a grant to refund to General Jackson the amount of a certain fine imposed upon him by a judge, under the laws of the State of Louisiana. You are going to refund him the money, with interest; and this you are going to do because the imposition of the fine was unjust. And why was it unjust? Because General Jackson was acting under the laws of war, and because the moment you place a military commander in a district which is the theatre of war, the laws of war apply to that district.

"I might furnish a thousand proofs to show that the pretensions of gentlemen to the sanctity of their municipal institutions under a state of actual invasion and of actual war, whether servile, civil, or foreign, is wholly unfounded, and that the laws of war do, in all such cases, take the precedence. I lay this down as the law of nations. I say that military authority takes, for the time, the place of all municipal institutions, *and slavery among the rest*; and that, under that state of things, so far from its being true that the States where slavery exists have the exclusive management of the subject, not only the President of the United States, but the commander of the army, has power to order the universal emancipation of the slaves. I have given here more in detail a principle which I have asserted on this floor before now, and of which I have no more doubt than that you, sir, occupy that chair. I give it in its development, in order that any gentleman from any part of the Union may, if he thinks proper, deny the truth of the position, and may maintain his denial; not by indignation, not by passion and fury, but by sound and sober reasoning from the laws of nations and the laws of war. And if my position can be answered and refuted, I shall receive the refutation with pleasure; I shall be glad to listen to reason, aside, as I say, from indignation and passion. And if, by the force of reasoning, my understanding can be convinced, I here pledge myself to recant what I have asserted.

"Let my position be answered; let me be told, let my constituents be told, let the people of my State be told—a State whose soil tolerates not the foot of a slave—that they are bound by the Constitution to a long and toilsome march, under burning summer suns and a deadly Southern clime, for the suppression of a servile war; that they are bound to leave their bodies to rot upon the sands of Carolina, to leave their wives widows and their children orphans; that those who cannot march are bound to pour out their treasures while their sons or brothers are pouring out their blood to suppress a servile combined with a civil or a foreign war; and yet that there exists no power beyond the limits of the slave State where such war is raging to emancipate the

slaves. I say, let this be proved—I am open to conviction; but till that conviction comes, I put it forth, not as a dictate of feeling, but as a settled maxim of the laws of nations, that, in such a case, the military supersedes the civil power; and on this account I should have been obliged to vote, as I have said, against one of the resolutions of my excellent friend from Ohio, (Mr. Giddings,) or should at least have required that it be amended in conformity with the Constitution of the United States."

CONCLUSION.

It has thus been proved, that, by the law and usage of modern civilized nations, confirmed by the judgment of eminent statesmen, and by the former practice of this government, that the President, as Commander-in-Chief, has the authority, as an act of war, to liberate the slaves of the enemy; that the United States have in former times sanctioned the liberation of slaves even of loyal citizens, by military commanders, in time of war, without compensation therefor; and have deemed slaves captured in war from belligerent subjects as entitled to their freedom.*

* **GENERAL WAR POWERS OF THE PRESIDENT.**—It is not intended in this chapter to explain the *general* war powers of the President. They are principally contained in the Constitution, Art. II. Sect. 1, Cl. 1 and 2; Sect. 2, Cl. 1; Sect. 3, Cl. 1; and in Sect. 1, Cl. 1, and by necessary implication in Art. I. Sect. 9, Cl. 2. By Art. II. Sect. 2, the President is made Commander-in-Chief of the army and navy of the United States, and of the militia of the several States when called into the service of the United States. This clause gives ample powers of war to the President, when the army and navy are lawfully in "actual service." His military authority is supreme, under the Constitution, while governing and regulating the land and naval forces, and treating captures on land and water in accordance with such rules as Congress may have passed in pursuance of Art. I. Sect. 8, Cl. 11, 14. Congress may effectually control the military power, by refusing to vote supplies, or to raise troops, and by impeachment of the President; but for the military movements, and measures essential to overcome the enemy—for the general conduct of the war—the President is responsible to and controlled by no other department of Government. His duty is to uphold the Constitution and enforce the laws, and to respect whatever rights loyal citizens are entitled to enjoy in time of civil war, to the fullest extent that may be consistent with the performance of the military duty imposed on him. The effect of a state of war, in changing or modifying civil rights, has been explained in the preceding chapters.

What is the extent of the military power of the President over the persons and property of citizens at a distance from the seat of war—whether he or the War Department may lawfully order the arrest of citizens in loyal States on reasonable proof that they are either enemies or aiding the enemy—or that they are spies or emissaries of rebels sent to gain information for their use, or to discourage enlistments—whether martial law may be extended over such places as the commander deems it necessary to guard, even though distant from any battle-field, in order to enable him to prosecute the war effectually—whether the writ of *habeas corpus* may be suspended as to persons under military arrest, by the President, or only by Congress, (on which point Judges of the United States Courts disagree;) whether, in time of war, all citizens are liable to military arrest, on reasonable proof of their aiding or abetting the enemy—or whether they are entitled to practise treason only indicted by some grand jury—thus, for example, whether Jefferson Davis or General Lee if found in Boston, could be arrested by military authority and sent to Fort Warren? Whether, in the midst of widespread and terrific war, those persons who violate the laws of war and the laws of peace, traitors, spies, emissaries, brigands, bushwhackers, guerrillas, persons in the free States supplying arms and ammunition to the enemy, must all be proceeded against by civil tribunals only, under due forms and precedents of law, by the tardy and ineffectual machinery of arrests by *marshals*, (who can rarely have means of apprehending them,) and of *grand juries*, (who meet twice a year, and could seldom if ever reasonably secure the evidence on which to indict them)? Whether Government is not entitled by military power to raze the traitors and spies, by arrest and imprisonment, from doing the intended mischief, as well as to punish them after it is

CHAPTER IV.

BILLS OF ATTAINDER.

AFTER the authority of Government shall have been reestablished over the rebellious districts, measures may be taken to punish individual criminals.

The popular sense of outraged justice will embody itself in more or less stringent legislation against those who have brought civil war upon us. It would be surprising if extreme severity were not demanded by the supporters of the Union in all sections of the country. Nothing short of a general bill of attainder, it is presumed, will fully satisfy some of the loyal people of the slave States.

BILLS OF ATTAINDER IN ENGLAND.

By these statutes, famous in English political history, tyrannical governments have usually inflicted their severest revenge upon traitors. The irresistible power of law has been evoked to annihilate the criminal, as a citizen of that state whose majesty he had offended, and whose existence he had assailed. His life was terminated with horrid tortures; his blood was corrupted, and his estates were forfeited to the king. While still living, he was deemed, in the language of the law, as "*civilliter mortuus*."

PUNISHMENT BY ATTAINDER.

The refined cruelty which characterized the punishment of treason, according to the common law of England, would have been discreditable to the barbarism of North-American savages in the time of the Georges, and has since been equalled only by some specimens of chivalry in the secession army. The mode of executing these unfortunate political offenders was this:

1. The culprit was required to be dragged on the ground or over the pavement to the gallows;

done? Whether war can be carried on successfully, without the power to save the army and navy from being betrayed and destroyed, by *depriving* any citizen temporarily of the power of acting as an enemy, whenever there is reasonable cause to suspect him of being one? Whether these and similar proceedings are, or are not, in violation of any civil rights of citizens under the Constitution, are questions to which the answers depend on the construction given to the war powers of the Executive. Whatever any Commander-in-Chief, in accordance with the usual practice of carrying on war among civilized nations, may order his army and navy to do, is within the *power* of the President to order and to execute, because the Constitution, in express terms, gives him the supreme command of both. If he makes war upon a foreign nation, he should be governed by the law of nations; if lawfully engaged in civil war, he may treat his enemies as subjects and as belligerents.

The Constitution provides that the government and regulation of the land and naval forces, and the treatment of captures, should be according to law; but it imposes, in express terms, no other qualification of the war power of the President. It does not prescribe any territorial limits, within the United States, to which his military operations shall be restricted; nor to which the picket-guard, or military guards (sometimes called *provoost-marshals*) shall be confined. It does not exempt any person making war upon the country, or aiding and comforting the enemy, from being *captured*, or arrested, wherever he may be found, whether within or out of the lines of any division of the army. It does not provide that public enemies, or their abettors, shall find safe asylum in any part of the United States where military power can reach them. It requires the President, as an executive magistrate, in time of peace to see that the laws existing in time of peace are faithfully executed—and as Commander-in-Chief in time of war, to see that the laws of war are executed. In doing both duties he is strictly obeying the Constitution.

he could not be allowed, by law, to walk or ride. Blackstone says, that *by connivance*, at last ripened into law, he was allowed to be dragged upon a hurdle, to prevent the extreme torment of being dragged on the ground or pavement.

2. To be hanged by the neck, and then cut down alive.

3. His entrails to be taken out and burned while he was yet alive.

4. His head to be cut off.

5. His body to be divided into four parts.

6. His head and quarters to be at the king's disposal.*

Blackstone informs us that these directions were, in former times, literally and studiously executed. Judge Story observes, they "indicate at once a savage and ferocious spirit, and a degrading subserviency to royal resentments, real or supposed."†

ATTAINDERS PROHIBITED AS INCONSISTENT WITH CONSTITUTIONAL LIBERTY.

Bills of attainder struck at the root of all civil rights and political liberty. To declare single individuals, or a large class of persons, criminals, in time of peace, merely upon the ground that they entertained certain opinions upon questions of church or state; to do this by act of Parliament, without a hearing, or after the death of the alleged offender; to involve the innocent with the guilty in indiscriminate punishment—was an outrage upon the rights of the people not to be tolerated in our Constitution as one of the powers of government.

BILLS OF ATTAINDER ABOLISHED.

The Constitution provides expressly,‡ that "no bill of attainder or *ex post facto* law, shall be passed by Congress; and that no State shall pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts."§ There is, therefore, no power in this country to pass any bill of attainder.

WHAT IS A BILL OF ATTAINDER?

Wherein does it differ from other statutes for the punishment of criminals?

A "bill of attainder," in the technical language of the law, is a statute by which the offender becomes "attainted," and is liable to punishment without having been convicted of any crime in the ordinary course of judicial proceedings.

If a person be expressly named in the bill, or comes within the terms thereof, he is liable to punishment. The legislature undertakes to pronounce upon the guilt of the accused party. He is entitled to no hearing when living, and may be pronounced guilty when absent from the country, or even long after his death. Lord Coke says that the reigning monarch of England, who was slain at Bosworth, is said to have been attainted by act of Parliament a few months after his death,

* 4 Bla. Com. 92.

† Lord Coke undertakes to justify the severity of this punishment by examples drawn from Scripture.

‡ Art. I. Sec. 9.

§ Art. I. Sec. 10.

notwithstanding the absurdity of deeming him at once in possession of a throne and a traitor.*

A question has been raised, whether any statute can be deemed a bill of attainder if it inflicts a degree of punishment less than that of death?

In technical law, statutes were called bills of attainder only when they inflicted the penalty of death or outlawry; while statutes which inflicted only forfeitures, fines, imprisonments, and similar punishments, were called bills of "pains and penalties." This distinction was practically observed in the legislation of England. No bill of attainder can probably be found which did not contain the marked feature of the death penalty, or the penalty of outlawry, which was considered as equivalent to a judgment of death. Judgment of outlawry on a capital crime, pronounced for absconding or fleeing from justice, was founded on that which was in law deemed a tacit confession of guilt.†

BILLS OF PAINS AND PENALTIES.

It has been said that within the sense of the Constitution, bills of attainder include bills of pains and penalties; and this view seemed to derive support from a remark of a judge of the Supreme Court. "A bill of attainder may affect the life of an individual, or may confiscate his property, or both."‡

It is true that a bill of attainder may affect the life of an individual; but if the individual attainted were dead before the passage of the act, as was the case with Richard III., the bill could not affect his life; or if a bill of attainder upon outlawry were passed against persons beyond seas, the life of the party would not be in fact affected, although the outlawry was equivalent in the eye of the law to civil death. There is nothing in this dictum inconsistent with the ancient and acknowledged distinction between bills of attainder and bills of pains and penalties; nothing which would authorize the enlargement of the technical meaning of the words; nothing which shows that Judge Marshall deemed that bills of attainder included bills of pains and penalties within the sense of the Constitution. This dictum is quoted by Judge Story,§ who supposed its meaning went beyond that which is now attributed to it. But he does not appear to sanction such a view of the law. This is the only authority to which he refers; and he introduces the proposed construction of this clause by language which is used by lawyers who have little confidence in the result which the authority indicates, namely, "it seems." No case has been decided by the Supreme Court of the United States which shows that "bills of attainder," within the sense of the Constitution, include any other statutes than those which were technically so considered according to the law of England.

* See Story on the Constitution, B. III. Sect. 673.

† Standf. Pl. Co. 44, 122, 182.

‡ *Fletcher v. Peck*, 6 Cranch, R.

§ Com. Const. III. Ch. 32, Sect. 3.

EX POST FACTO LAWS PROHIBITED. BILLS OF PAINS AND PENALTIES, AS WELL AS ATTAINERS, UNCONSTITUTIONAL.

It does not seem important whether the one or the other construction be put upon the language of this clause, nor whether bills of pains and penalties be or be not included within the prohibition; for Congress can pass no *ex post facto* law; and it was one of the invariable characteristics of bills of attainder and of bills of pains and penalties, that they were passed for the punishment of supposed crimes which had been committed before the acts were passed.

The clause prohibiting Congress from passing any *ex post facto* law would doubtless have prevented their passing any bill of attainder; but this prohibition was inserted from greater caution, and to prevent the exercise of constructive powers against political offenders. No usurpation of authority in the worst days of English tyranny was more detested by the framers of our Constitution than that which attempted to ride over the rights of Englishmen to gratify royal revenge against the friends of free government. Hence in that respect they shut down the gate upon this sovereign power of government. They forbade any punishment, under any form, for crime not against some standing law, which had been enacted before the time of its commission. They prevented Congress from passing any attainder laws, whereby the accused might be deprived of his life, or his estate, or both, without trial by jury, and by his political enemies; and whereby also his relatives would suffer equally with himself.

ATTAINERS IN THE COLONIES AND STATES.

Bills in the nature of bills of attainder were familiar to our ancestors in most of the colonies and in the States, which subsequently formed the Union. And several of these acts of attainder have been pronounced valid by the highest courts in these States. By the Act of the State of New-York, October twenty-second, 1779, the real and personal property of persons adhering to the enemy was forfeited to the State; and this act has been held valid;* and proceedings under acts of attainder were, as the court held, to be construed according to the rules in cases of attainder, and not by the ordinary courts of judicial proceedings;† and these laws applied to persons who were dead at the time of the proceedings.‡

"Bills of attainder," says the learned Judge, (in 2 Johnson's Cases,) "have always been construed in this respect with more latitude than ordinary judicial proceedings, for the purpose of giving them more certain effect, and that the intent of the legislature may prevail." "They are extraordinary acts of sovereignty, founded on public policy§ and the peace of the community."

* *Sleight v. Kame*, 2 Johns. Cas. 236, decided in April, 1801.

† *Jackson v. Sandoz*, 2 Johns. 267.

‡ *Jackson v. Stokes*, 3 Johns. 15.

§ Foster, 58, 84.

"The attainted person," says Sir Matthew Hale, "is guilty of the execrable murder of the king." The Act of New-York, October twenty-second, 1779, attainted, among others, Thomas Jones of the offence of adhering to the enemies of the State. This was a specific offence, and was not declared or understood to amount to treason, because many of the persons attainted had never owed allegiance to the State.*

Bills of attainder were passed not only in New-York, but in several other colonies and States, inflicting the penalties of attainder for other crimes than treason, actual or constructive. And the harsh operation of such laws, their injustice, and their liability to be abused in times of public excitement, were understood by those who laid the foundations of this Government too well to permit them to disregard the dangers which they sought to avert, by depriving Congress, as well as the several States, of all power to enact such cruel statutes.

If bills of attainder had been passed only for the punishment of treason, in the sense of making war upon the Government, or aiding the enemy, they would have been less odious and less dangerous; but the regiment of crimes which servile Parliaments had enrolled under the title of "treason," had become so formidable, and the brutality of the civil contests in England had been so shocking, that it was thought unsafe to trust any Government with the arbitrary and irresponsible power of condemning by statute large classes of their opponents to death and destruction for that which only want of success had made a crime.

BILLS OF ATTAINDER, HOW RECOGNIZED.

The consequences of attainder to the estate of the party convicted will be more fully stated hereafter; but it is essential to observe that there are certain characteristics which distinguish bills of attainder from all other penal statutes.

1. They always inflict the penalty of death upon the offender, or of outlawry, which is equivalent to death.
2. They are always *ex post facto* laws, being passed after the crime was committed, which they are to punish.
3. They never allow the guilt or innocence of the persons attainted to be ascertained by trial; but the guilt is attributed to them by act of Parliament.
4. They always inflicted certain penalties, among which were corruption of blood and forfeiture of estate. The essence of attainder was in corruption of blood, and without the corruption of blood no person was by the English law attainted.

Unless a law of Congress shall contain these four characteristics — penalty of death, or outlawry, corruption of blood, and the legislative, not judicial condemnation — embodied in a law passed after the commission of the crime it seeks

to punish, it is not a bill of attainder under the sense of the Constitution.

INTRODUCTION TO CHAPTER V.

Under the English law, prior to the Revolution, there had been three modes of punishing the crime of treason. First, by bills of attainder. Second, by judicial attainder. Third, by statutes of the realm against treason, actual and constructive. Bills of attainder were acts of Parliament, which declared one or more persons, whether living or dead, or absent beyond seas, guilty of the crime of actual or constructive treason. Judicial attainder was effected in the courts of law by process issued against persons accused of treason, whether living or dead, or absent beyond seas. The effect of attainder by judicial process was substantially the same as that of attainder by act of Parliament, in effecting corruption of blood, and working forfeiture of estates during the life of the offender, and after he was dead.

Persons accused of treason were punishable under statutes, by death and total forfeiture of estates; but no one could be convicted, sentenced, and punished for treason, under statutes, "unless during his life," that is to say, while alive, nor unless he had received a trial in court, conducted according to the usual forms of procedure.

By our Constitution, all power is taken from the General Government, and from all the States, to punish treason by passing any bill of attainder, as is shown in Chapter IV.

Congress has power to authorize courts to punish treason by judicial attainder; but the Constitution has limited the time during which such process may be applied, and its effect, in these words:

"No attainder of treason shall work corruption of blood, nor forfeiture of estate, except during the life of the offender."

These provisions apply only to judicial attainder, and not to punishments of treason under ordinary statutes of Congress, which provide for no attainder.

The constitutional power of Congress to authorize proceedings for judicial attainder of persons who have committed treason, has not been, thus far, carried into effect.

No process of attainder of treason is now known in our municipal law.

To guard against abuse, under which our forefathers in England suffered, by reason of unjust and arbitrary definitions of treason, the Constitution prescribes certain rules for the definition, proof, and punishment of offences under statute law, which Congress may pass for the punishment of that crime. It defines treason to be "a levying of war against the United States," thus cutting off all the other descriptions of treason known to the English law. It requires, in proof of treason, that there shall be two witnesses to each overt act with which the accused is charged. A trial by jury in open court, and in the pres-

* *Jackson v. Cutlin*, 2 Johns. R. 260.

ence of witnesses, is secured, but when one is convicted he is liable to such punishment as may have been prescribed by the statute, and there is no limit in the Constitution to the penalty which Congress may provide.

Thus the traitor may be subjected to punishment by death, and to the forfeiture of all his estate, or to fine to an unlimited amount. The criminal, however, may not be, and by existing laws is not, attainted, or subject to any of the effects of attainder, by these proceedings. The limitations of the Constitution are inapplicable to statutes which do not provide for attainder, but only for penalties of death and confiscation.

CHAPTER V.

RIGHT OF CONGRESS TO DECLARE BY STATUTE THE PUNISHMENT OF TREASON, AND ITS CONSTITUTIONAL LIMITATIONS.

TREASON.

THE highest crime known to the law is *treason*. It is "the sum of all villainies;" its agents have been branded with infamy in all countries where fidelity and justice have respect. The name of one who betrays his friend becomes a byword and a reproach. How much deeper are the guilt and infamy of the criminal who betrays his country! No convict in our State prisons can have fallen so low as willingly to associate with a *TRAITOR*. There is no abyss of crime so dark, so horrible, as that to which the traitor has descended. He has left for ever behind him conscience, honor, and hope.

ANCIENT ENGLISH DOCTRINE OF CONSTRUCTIVE TREASON.

Treason, as defined in the law of England, at the date of the Constitution, embraced many misdemeanors which are not now held to be crimes. Offences of a political character, not accompanied with any intention to subvert the Government; mere words of disrespect to the ruling sovereign; assaults upon the king's officers at certain times and places; striking one of the judges in court; and many other acts which did not partake of the nature of treason, were, in ancient times, declared treason by Parliament, or so construed by judges, as to constitute that crime. Indeed, there was nothing to prevent Parliament from proclaiming any act of a subject to be treason, thereby subjecting him to all its terrible penalties. The doctrine of *constructive treason*, created by servile judges, who held their office during the pleasure of the king, was used by them in such a way as to enable the sovereign safely to wreak vengeance upon his victims under the guise of judicial condemnation. If the king sought to destroy a rival, the judges would pronounce him guilty of constructive treason; in other words, they would so construe the acts of the defendant as to make them treason. Thus the king could selfishly outrage every principle of law and justice, while avoiding responsibility. No man's life or property was safe. The wealthier the citizen, the greater was his apprehension that

the king would seize and confiscate his estates. The danger lay in the fact that the nature and extent of the legal crime of treason was indeterminate, or was left to arbitrary determination. The power to *define* treason, to declare from time to time who should be deemed in law to be traitors, was in its nature an *arbitrary* power. No government having that power would fail to become oppressive in times of excitement, and especially in civil war. As early as the reign of Edward III., Parliament put an end to these judge-made treasons by declaring and defining all the different acts which should be deemed treason; and, although subsequent statutes have added to or modified the law, yet treason has at all times since that reign been defined by statute.

POWER OF CONGRESS TO DEFINE AND PUNISH TREASON LIMITED.

It was with full knowledge of the history of judicial usurpation, of the tyranny of exasperated governments, and of the tendency of rival factions in republics to seek revenge on each other, that the convention which framed the Constitution, having given no power to the judiciary, like that possessed by English judges, to make constructive crimes, introduced several provisions limiting the power of Congress to define and punish the political crime of treason, as well as other offences.

The various clauses in the Constitution relating to this subject, in order to a clear exposition of their meaning, should be taken together as parts of our system.

ATTAINDER AND EX POST FACTO LAWS.

The first and most important limitation of the power of Congress is found in Art. I. Sect. 9: "No bill of attainder, or *ex post facto* law, shall be passed." By prohibiting bills of attainder, no subject could be made a criminal, or be deprived of life, liberty, or property, by mere *act of legislation*, without trial or conviction. The power to enact *ex post facto* laws having been withheld, Congress could not pass "a statute which would render an act punishable in a manner in which it was not punishable when it was committed." No man's life could be taken, his liberty abridged, nor his estate, nor any part of it, seized for an act which had not, previously to the commission thereof, been declared by some law as a crime, and the manner and extent of punishment prescribed.* Hence no law of Congress can make that deed a crime which was not so before the deed was done. Every man may know what are the laws to which he is amenable in time of peace by reading the statutes. There can be no retrospective criminal legislation by any State, or by the United States.

TREASON DEFINED BY STATUTE.

These points having been secured, the next step was to *define* the CRIME OF TREASON. Countless difficulties and dangers were avoided by selecting from the English statutes *one crime only*,

* See *Fletcher v. Peck*, 6 Cranch, 138.

which should be deemed to constitute that offence.

The Constitution provides that, "Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort." * Hence many acts are not treasonable which were so considered according to the law of England, and of the colonies and States of this country. Each State still retains the power to define and punish treason against itself in its own way.

Nothing but *overt acts* are treasonable by the laws of the United States; and these overt acts must be overt acts of war. † These acts must be proved either by confession in open court, or by two witnesses to the same act. ‡ Our ancestors took care that no one should be convicted of this infamous crime, unless his guilt is made certain. So odious was the offence that even a senator or representative could be arrested on *suspicion* of it. § All civil officers were to be removed from office on impeachment and conviction thereof. || And a person charged with treason against a State, and fleeing from that State to another, was to be delivered up, on demand, to the State having jurisdiction. ¶ The crime being defined, and the nature of the testimony to establish it being prescribed, and conviction being possible only in "open court," the Constitution then provides—that "Congress shall have power to declare the *punishment* of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted." **

CONGRESS HAVE UNLIMITED POWER TO DECLARE THE PUNISHMENT OF TREASON.

By this article the Constitution has in express terms given to Congress the power to declare the *punishment* of treason; and the nature and extent of the punishment which they may declare are not limited. Congress may impose the penalty of fine, or imprisonment, or outlawry, or banishment, or forfeiture, or death, or of death and forfeiture of property, personal and real. Congress might have added to all these punishments the more terrible penalty which followed, as a *consequence of attainder of treason*, under the law of England, had the Constitution not limited the effect and operation of that species of attainder.

A COMMON ERROR.

Some writers have supposed that this article in the Constitution, which qualifies the *effect* of an attainder of treason, was a *limitation* of the power of Congress to declare the *punishment* of treason. This is an error. A careful examination of the language used in the instrument itself, and of the history of the English law of attainder, will make it evident that the framers of the Constitution, in drafting Sect. 3, of Art. III., did not design to restrain Congress from declaring against the traitor himself, his person or es-

tate, such penalties as it might deem sufficient to atone for the highest of crimes.

Whenever a person had committed high treason in England, and had been duly indicted, tried, and convicted, and when final judgment of guilty, and sentence of death or outlawry, had been pronounced upon him, the immediate and inseparable consequence, by common law, of the sentence of death or outlawry of the offender for treason, and for certain other felonies, was *attainder*. Attainder means, in its original application, the staining or corruption of the blood of a criminal who was in the contemplation of law dead. He then became "*attinctus*—stained, blackened, attainted."

CONSEQUENCES OF ATTAINDER.

Certain legal results followed *attainder*, among which are the following: The convict was no longer of any credit or reputation. He could not be a witness in any court. He was not capable of performing the legal functions of any other man; his power to sell or transfer his lands and personal estate ceased. By anticipation of his punishment he was already dead in law,* except when the fiction of the law would protect him from some liability to others which he had the power to discharge. It is true that the attainted felon could not be murdered with impunity,† but the law preserved his physical existence only to vindicate its own majesty, and to inflict upon the offender an ignominious death.

CORRUPTION OF BLOOD.

Among the most important consequences of *attainder of felony*, were those *resulting from "corruption of blood,"* which is the *essence of attainder*.‡ Blackstone says:§

"Another immediate consequence of attainder is the corruption of blood, both upward and downward; so that an attainted person can neither inherit lands or other hereditaments from his ancestors, nor retain those he is already in possession of, nor transmit them by descent to any heir; but the same shall escheat to the lord of the fee, subject to the king's superior right of forfeiture; and the person attainted shall also obstruct all descents to his posterity whenever they are obliged to derive a title through him, to a remote ancestor."

The distinctions between escheat and forfeiture it is not necessary now to state,‡ because, whether the forfeiture enured to the benefit of the lord or of the king, the effect was the same upon the estate of the criminal.¶ By this legal fiction of *corruption of blood*, the offender was deprived of all his estate, personal and real; his children or other heirs could not inherit any thing from him, nor through him from any of his ancestors. "If a father be seized in fee, and the son commits treason and is attainted, and then the father dies, then the lands shall escheat to the lord."**

* Art. III. Sect. 3. † Ibid. ‡ Ibid. § Art. I. Sect. 6.
|| Art. II. Sect. 4. ¶ Constitution, Art. IV. Sect. 6.

** Art. III. Sect. 3.

* Inst. 213. † Foster, 78. ‡ See Co. Litt. 391.
§ 4 Com. b. 858. ¶ See Co. Litt. 18.
¶ Co. Litt. p. 391. Bla. Com. Vol. II. p. 254.
** Co. Litt. p. 18.

SAVAGE CRUELTY OF ENGLISH LAW.

By the English system of escheats to the lord and forfeitures to the king, the innocent relatives of the offender were punished, upon the theory that it was the duty of every family to secure the loyalty of all its members to the sovereign; and upon failure to do so, the whole family should be plunged into lasting disgrace and poverty. A punishment which might continue for twenty generations was indeed inhuman, and received, as it merited, the condemnation of liberal men in all countries;* but aristocratic influence in England had for centuries resisted the absolute and final abandonment of these odious penalties. The framers of the Constitution have deprived Congress of the power of passing bills of attainder. They might have provided that no person convicted of treason should be held to be attainted, or be liable to suffer any of the common law penalties which resulted from attainder, but only such penalties as Congress should prescribe by statute. They have, however, not in terms, abolished attainders, but have modified their effect, by declaring that attainder shall not work corruption of blood.

FORFEITURES.

By the law of England, forfeiture of estates was also one of the necessary legal consequences of attainder of felony. Real estate was forfeited upon attainder, personal estate upon conviction before attainder. By these forfeitures all the property, rights, and claims, of every name and nature, went to the lord or the king. But forfeiture of lands related back to the time when the felony was committed, so as to avoid all subsequent sales and encumbrances, but forfeiture of goods took effect at the date of conviction, so that sales of personal property, prior to that time, were valid, unless collusive.† The estates thus forfeited were not mere estates for life, but the whole interest of the felon, whatever it might be. Thus forfeiture of property was a consequence of attainder; attainder was a consequence of the sentence of death or outlawry; and these penal consequences of attainder were over and above, and in addition to, the penalties expressed in the terms of the judgment and sentence of the court.‡ The punishment, and in many instances the only punishment, to which the sentence of the court condemned the prisoner was death or outlawry. The disabilities which resulted from that sentence were like the disabilities which in other cases result from the sentence of a criminal for infamous crimes. Disability to testify in courts, or to hold offices of trust and honor, sometimes follows, not as part of the punishment prescribed for the offence, but as a consequence of the condition to which the criminal has reduced himself.

There is a clear distinction between the punishment of treason by specific penalties and those

consequential damages and injuries which follow by common law as the result or technical effect of a sentence of death or outlawry for treason, namely, attainder of treason, and corruption of blood and forfeiture of estates.* To set this subject in a clearer light, the learned reader will recollect that there were different kinds of attainder: 1. *Attainders in a præmunire*; in which, "from the conviction, the defendant shall be out of the king's protection, his lands, tenements, goods, and chattels forfeited to the king, and his body remain in prison during the king's pleasure, or during life."† But the offences punishable under the statutes of præmunire were not felonies, for the latter are punishable only by common law, and not by statute.‡ 2. *Attainder by bill*. 3. *Attainders of felony and treason*; and the important distinction between attainders in treason and attainders in præmunire is this; that in the former the forfeitures are consequences of the judgment, in the latter they are part of the judgment and penalty. Blackstone§ recognizes fully this distinction. "I here omit the particular forfeitures created by the statutes of præmunire and others, because I look upon them rather as a part of the judgment and penalty inflicted by the respective statutes, than as consequences of such judgment, as in treason and felony they are." Lord Coke expresses the same opinion.¶ And statutes of præmunire and attainders of treason are both different in law from bills of pains and penalties; of which English history affords, among many other examples, that against the Bishop of Rochester;‡ in the latter the pains and penalties are all expressly declared by statute, and not left as consequences of judgment. That clause in the Constitution which gives power to Congress to make laws for the punishment of treason, limits and qualifies the effect of attainder of treason, in case such attainder should be deemed by the courts as a legal consequence of such sentence as the statute requires the court to impose on traitors. This limitation applies, in terms, only to the effect of attainders of treason.

CHARACTERISTICS OF ATTAINDER OF TREASON.

There is no attainder of treason known to the law of England, unless, 1. The judgment of death or outlawry has been pronounced against the

* There is a provision in the new Constitution of Maryland (1851,) that "no conviction shall work corruption of blood or forfeiture of estate." (Decl. of Rights, Art. 24.) The Constitution of Ohio (1851) contains the same words in the 12th sect. of the Decl. of Rights. The Constitutions of Kentucky, Delaware, and Pennsylvania declare that attainder of treason shall not work forfeiture beyond the lifetime of the offender. In Alabama, Connecticut, Indiana, Illinois, Maine, Missouri, New-Jersey, Rhode Island, and Tennessee, all forfeitures for crime are abolished, either by statutes or constitutions.

† In New-Hampshire, Massachusetts, Virginia, Georgia, Michigan, Mississippi, and Arkansas, there are statutes providing specifically for the punishment of treason and felonies; but no mention is made of corruption of blood or forfeiture of estate; and inasmuch as these offences are explicitly legislated upon, and a particular punishment provided in each case, it may be gravely doubted whether the additional common law punishment of forfeiture of estate ought not to be considered as repealed by implication." 1 Greenleaf's Cruise Dig. 196, note.

‡ 1 Inst. 129; 3 Bla. p. 119; and for the severity of the penalties, see 1 Hawk. P. C. 55.

§ 4 Bla. 118. § 4 Com. p. 386.

[Co. Litt. 391, b.

¶ Stat. 9 Geo. I. ch. 17.

* See 4 Bla. Com. p. 388.

† See Stat. 18 Elix. ch. 5; 2 B. and A. 258; 2 Hawkins's P. C. 454; 3 Ins. 282; 4 Bla. 397; Co. Litt. 391, b.

‡ See 2 Greenleaf's Cruise on Real Property, p. 145, and note; 2 Kent, 886; 4 Greenleaf's Cruise, p. 71, sect. 1, and note.

traitor.* 2. Where the crime was a *felony*, and punishable according to common law;† and, 3. Where the attainder was a consequence of the judgment, and not part of the judgment and penalty.‡ Congress may pass a law condemning every traitor to death, and to the consequential punishment of "attainder;" but such attainder will not of itself operate to corrupt blood or forfeit estate, except during the life of the offender. But unless Congress pass a law expressly *attainting* the criminal of treason, there is not, under the laws of the United States, any "attainder." The criminal laws of the United States are all embraced in specific statutes, defining crimes and all their penalties. No consequential penalties of this character are known to this law. And if a person is convicted and sentenced to death for treason, there can be no corruption of blood, nor forfeiture of estate except by express terms of the statute. The leading principles of the Constitution forbid the making of laws which should leave the penalty of crime to be determined by ancient or antiquated common law proceedings of English courts. Forfeiture of estate, by express terms of statute, may be in the nature of forfeiture by a bill of pains and penalties, or *præmunire*, but is not forfeiture by attainder; nor is it such forfeiture as is within the sense of the Constitution, which limits the operation of attainders of treason. This distinction was well known to the framers of the Constitution. They thought it best to guard against the danger of those constructive and consequential punishments, giving full power to Congress, in plain terms, to prescribe by statute what punishment they should select; but in case of resort to attainder of treason, as one of those punishments, that form of punishment should not be so construed as, *ex vi termini*, to corrupt blood nor forfeit estate except during the life of the person attainted.

TECHNICAL LANGUAGE TO BE CONSTRUED TECHNICALLY.

The language of the Constitution is peculiar; it is technical; and it shows on the face of it an intention to limit the technical operation of attainders, not to limit the scope or extent of legislative penalties. If the authors of the Constitution meant to say that Congress should pass no law punishing treason by attainder, or by its consequences, namely, forfeiture of estate, or corruption of blood, they would, in plain terms, have said so; and there would have been an end to the penalties of attainder, as there was an end to bills of attainder. Instead of saying, "Congress shall have power to declare the punishment of treason, but shall not impose the penalties of attainder upon the offender," they said, "Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted."

This phraseology has reference only to the

technical effect of attainder. The "working of forfeitures" is a phrase used by lawyers to show the legal result or effect which arises from a certain state of facts. If a traitor is convicted, judgment of death is passed upon him; by that judgment he becomes attainted. Attainder works forfeitures and corruption of blood; forfeitures and corruption of blood are, in the ordinary course of common law, followed by certain results to his rights of property. But the Constitution provides, if the traitor is attainted, that attainder shall not, *ex vi termini*, and of its own force, and without statute to that effect, "work" forfeiture or corruption of blood. The convict may still retain all those civil rights of which he has not been deprived by the strict terms of the statute, which shall declare the punishment of treason.

The punishment of treason, by the statute of the United States, of April thirtieth, 1790, is death, and nothing more. Can any case be found, since the statute was enacted, in which a party convicted and adjudged guilty of treason and sentenced to death, has been held to be "attainted" of treason, so that the attainder has worked forfeiture of any of his estate, real or personal? Would not any lawyer feel astonishment, if a court of the United States, having sentenced a traitor to death, under the law of 1790, should announce as a further penalty the forfeiture of the real and personal estate of the offender, "worked" by the attainder of felony, notwithstanding no such penalty is mentioned in that statute?

If Congress should pass an act punishing a traitor by a fine of five dollars and imprisonment for five years, who would not feel amazed to learn that, by the English doctrine of forfeitures, worked by attainders, by operation of law, the criminal might be stripped of property worth thousands of dollars, over and above the penalty prescribed by statute?

TRUE MEANING OF ART. III. SECT. III. CL. II.

The Constitution means, that if traitors shall be attainted, unlimited forfeitures and corruption of blood shall not be worked by attainders. It means to leave untrammelled the power of Congress to cause traitors to be attainted or otherwise; but if attainted, Congress must provide by statute for the attainder; and the Constitution settles how far that attainder shall operate constitutionally; and when the legislature has awarded one punishment for treason, the court shall not evoke the doctrine of forfeitures worked by attainder, and thus, by technical implication, add punishments not specifically set down in the penal statute itself; or, if this implication exist, the results of the technical effect of attainder shall not be corruption of blood, or forfeiture, except during the life of the offender. The third article does not limit the power of Congress to punish, but it limits the technical consequences of a special kind of punishment, which may or may not be adopted in the statutes.

From the foregoing remarks it is obvious that

* 4 Bla. 387. † 4 Bla. 387. ‡ Ib.; Co. Litt. 391, b.; 4 Bla. 386.

no person is attainted of treason, in the technical sense, who is convicted under the United States act of 1790. There can be no attainder of treason, within the meaning of the Constitution, unless there be, first, a judgment of death, or outlawry; second, a penalty of attainder by express terms of the statute. A mere conviction of treason and sentence of death, or outlawry, and forfeitures of real and personal estate, do not constitute an attainder in form, in substance, nor in effect, when made under any of the present statutes of the United States.

IF CONGRESS MAY IMPOSE FINES, WHY NOT FORFEITURES?

No one doubts the power of Congress to make treason punishable with death, or by fines to any amount whatever. Nor would any reasonable person deem any fine too large to atone for the crime of involving one's own country in civil war. If the Constitution placed in Congress the power to take life, and to take property of the offender in one form, why should it deny the power to take property in any other form? If the framers of the Constitution were willing that a traitor should forfeit his life, how could they have intended to shelter his property? Was property, in their opinion, more sacred than life? Would all the property of rebels, forfeited to the treasury of the country, repair the injury of civil war?

FORFEITURES NOT LIMITED TO LIFE ESTATES.

Could the lawyers who drafted the Constitution have intended to limit the pecuniary punishment of forfeitures to a life interest in personal estate, when every lawyer in the convention must have known that at common law there was no such thing as a life estate in personal property? Knowing this, did they mean to protect traitors, under all circumstances, in the enjoyment of personal property? If so, why did they not say so? If they meant to prevent Congress from passing any law that should deprive traitors of more than a life estate in real estate, the result would be, that the criminal would lose only the enjoyment of his lands for a few days or weeks, from the date of the judgment to the date of his execution, and then his lands would go to his heirs. Thus it is evident, that if the Constitution cuts off the power of Congress to punish treason, and limits it to such forfeitures as are the consequence of attainder, and then cuts off from attainder its penal consequences of corruption of blood and forfeiture of estate, except during the life of the offender, then the framers of that instrument have effectually protected the personal and real estate of traitors, and have taken more care to secure them from the consequences of their crime than any other class of citizens. If so, they have authorized far more severity against many other felons than against them. If such were the purpose of the authors of the Constitution, they would have taken direct and plain language to say what they meant. They would have said: "Congress may punish treason, but

shall not deprive traitors of real or personal property, except for the time which may elapse between sentence of death and execution." Instead of such a provision, they gave full power to punish treason, including fines, absolute forfeitures, death, and attainder, only limiting the technical effect of the last-mentioned penalty, if that form of punishment should be adopted; and Congress has the power, under the Constitution, to declare as the penalty for treason, the forfeiture of all the real and personal estate of the offender, and is not limited, as has been supposed by some, to a forfeiture of real estate for life only.*

CHAPTER VI.

STATUTES AGAINST TREASON. WHAT THEY ARE, AND HOW THEY ARE TO BE ADMINISTERED.

THE United States statute of April thirtieth, 1790, provides that—

"If any person or persons, owing allegiance to the United States of America, shall levy war against them, or shall adhere to their enemies, giving them aid and comfort, within the United States or elsewhere, and shall be thereof convicted, on confession in open court, or on the testimony of two witnesses to the same overt act of the treason whereof he or they shall stand indicted, such person or persons shall be adjudged *guilty of treason* against the United States, and *shall suffer death*."

Concealment of knowledge of treason (misprision of treason) is, by the same act, punished by fine not exceeding one thousand dollars, and imprisonment not exceeding seven years. By the statute of January 30th, 1799, corresponding with foreign governments, or with any officer or agent thereof, with intent to influence their controversies with the United States, or to defeat the measures of this government, is declared to be a high misdemeanor, though not called treason, and is punishable by fine not exceeding five thousand dollars, and imprisonment during a term not less than six months, nor exceeding three years. So the law has stood during this century, until the breaking out of the present rebellion.

The chief provisions of the law passed at the last session of Congress, and approved July seventeenth, 1862, chap. 195, are these:

Section 1. Persons committing treason shall suffer one of two punishments: 1. Either death, and freedom to his slaves; or, 2. Imprisonment not less than five years, fine not less than ten thousand dollars, and freedom of slaves; the fine to be collected out of any personal or real estate except slaves.

Sect. 2. Inciting rebellion, or engaging in it, or

* Since the publication of this work, it has been decided by Underwood, J., in the Eastern District Court of the United States for Virginia, in the case of the *United States v. Latham, et al.*, that the Confiscation Act above cited is authorized by the Constitution; second, that by the terms of that Act, (dated July seventeenth, 1862, ch. 195,) as modified by the joint resolution of July twenty-seventh, 1862, (No. 68,) the punishment of treason is not limited to forfeiture of the life estate of the offender, and is not required to be so limited by the Constitution; but the forfeiture extends to the entire estate in fee simple.

aiding those who do so, is punishable by imprisonment not more than ten years, fine not more than ten thousand dollars, and liberation of slaves.

Sect. 8 disqualifies convicts, under the preceding sections, from holding office under the United States.

Sect. 4 provides that former laws against treason shall not be suspended as against any traitor, unless he shall have been convicted under this act.

Sect. 5 makes it the duty of the President to cause the seizure of all the property, real and personal, of several classes of persons, and to apply the same to the support of the army, namely:

1. Rebel army and navy officers; 2. Government officers of confederate States in their national capacity; 3. Confederate State officers; 4. United States officers turned traitor officers; 5. Any one holding any office or agency, national, State, or municipal, under the rebel government, *provided* persons enumerated in classes 3, 4, and 5 have accepted office since secession of the State, or have taken oath of allegiance to support the confederate States; 6. Persons who, owning property in loyal States, in the territories, or in the District of Columbia, shall hereafter assist, aid, or comfort such rebellion. All transfers of property so owned shall be null, and suits for it by such persons shall be barred by proving that they are within the terms of this act.

Sect. 6. Any persons within the United States, not above named, who are engaged in armed rebellion, or aiding and abetting it, who shall not, within sixty days after proclamation by the President, "cease to aid, countenance, and abet said rebellion," shall be liable to have all their property, personal and real, seized by the President, whose duty it shall be to seize and use it, or the proceeds thereof. All transfers of such property, made more than sixty days after the proclamation, are declared null.

Sect. 7. To secure the condemnation and sale of seized property, so as to make it available, proceedings *in rem* shall be instituted in the name of the United States, in any District Court thereof, or in any territorial court, or in the United States District Court for the District of Columbia, within which district or territory the property, or any part of it, may be found, or into which, if movable, it may first be brought. Proceedings are to conform to those in admiralty or revenue cases. Condemnation shall be as of enemy's property, and it shall belong to the United States; the proceeds thereof to be paid into the treasury.

Sect. 8. Proper powers are given to the courts to carry the above proceedings into effect, and to establish legal forms and processes and modes of transferring condemned property.

Sect. 9. Slaves of rebels, or of those aiding them, escaping and taking refuge within the lines of our army; slaves captured from them; slaves deserted by them, and coming under the control of the United States Government; slaves found in places occupied by rebel forces, and afterward

occupied by the United States army, shall be deemed captives of war, and shall be for ever free.

Sect. 10. No fugitive slave shall be returned to a person claiming him, nor restrained of his liberty, except for crime, or offence against law, unless the claimant swears that the person claiming the slave is his lawful owner, has not joined the rebellion, nor given aid to it. No officer or soldier of the United States shall surrender fugitive slaves.

Sect. 11. The President may employ, organize, and use as many persons of African descent as he pleases to suppress the rebellion, and use them as he judges for the public welfare.

Sect. 12. The President may make provisions for colonizing such persons as may choose to emigrate, after they shall have been freed by this act.

Sect. 13. The President is authorized by proclamation to pardon any persons engaged in the rebellion, on such terms as he deems expedient.

Sect. 14. Courts of the United States have full powers to institute proceedings, make orders, etc., to carry the foregoing measures into effect.

A resolution, explanatory of the above act, declares that the statute punishes no act done prior to its passage; and no judge or member of a State legislature, who has not taken the oath of allegiance to support the constitution of the confederate States; nor shall any punishment or proceedings be so construed as to "work forfeiture of the real estate of the offender beyond his natural life."

The President's proclamation, in accordance with the above act, was issued July twenty-fifth, 1862. Thus all persons engaged in the rebellion, who come within the provisions of the sixth section, will be liable to the penalties after sixty days from July twenty-fifth. This is one of the most important penal acts ever passed by the Congress of the United States.

THE CONFISCATION ACT OF 1862 IS NOT A BILL OF ATTAINDER, NOR AN EX POST FACTO LAW.

This act is not a *bill of attainder*, because it does not punish the offender in any instance with corruption of blood, and it does not declare him, *by act of legislature*, guilty of treason, inasmuch as the offender's guilt must be duly proved and established by judicial proceedings before he can be sentenced. It is not an *ex post facto* law, as it declares no act committed prior to the time when the law goes into operation to be a crime, or to be punishable as such. It provides for no *attainder* of treason, and therefore for none of the penal consequences which might otherwise have followed from such attainder.

The resolution, which is to be taken as part of the act, or as explanatory of it, expressly provides that no punishment or proceedings under said act shall be so construed as to work a forfeiture of the real estate of the offender beyond his natural life. Thus, to prevent our courts from construing the sentence of death, under Sect. 1, as involving an attainder of treason, and its con-

sequences, Congress has, in express terms, provided that no punishment or proceeding shall be so construed as to work forfeiture, as above stated. Thus this statute limits the constructive penalties which result from forfeitures worked by attainders, and perhaps may be so construed as to confine the punishments to those, and those only, which are prescribed in the plain terms of the statute. And this limitation is in accordance with the Constitution, as understood by the President, although the forfeiture of rebels' real estate might have been made absolute and unlimited, without exceeding the constitutional power of Congress to punish treason.*

CHAPTER VII.

THE RIGHT OF CONGRESS TO DECLARE THE PUNISHMENT OF CRIMES AGAINST THE UNITED STATES OTHER THAN TREASON.

THE NEW CRIMES OF REBELLION REQUIRE NEW PENAL LAWS.

SEVERAL crimes may be committed not defined as treason in the Constitution, but not less dangerous to the public welfare. The prevention or punishment of such offences is essential to the safety of every form of government; and the power of Congress to impose penalties in such cases cannot be reasonably questioned. The rights guaranteed in express terms to private citizens cannot be maintained, nor be made secure, without such penal legislation; and, accordingly, Congress has, from time to time, passed laws for this purpose. The present rebellion has given birth to a host of crimes which were not previously punishable by any law. Among these crimes are the following: Accepting or holding civil offices under the confederate Government; violating the oath of allegiance to the United States; taking an oath of allegiance to the confederate States; manufacturing, passing, or circulating a new and illegal currency; acknowledging and obeying the authority of a seceded State, or of the confederate States; neglecting or refusing to return to allegiance, and to lay down arms after due warning; attempting to negotiate treaties with foreign powers to intervene in our affairs; granting or taking letters of marque; conspiracy against the lawful Government; holding public meetings to incite the people to the commission of treason; plotting treason; framing and passing ordinances of secession; organizing and forming new governments within any of the States, with the intent that they shall become independent of the United States, and hostile thereto; the making of treaties between the several States; refusal to take the oath of allegiance to the United States, when tendered by proper authority; resistance to civil process, or to civil officers of the United States, when such resistance is not so general as to constitute war. Each of these, and many other public wrongs, may be so committed as to avoid the penalty of treason, because they may not be

overt acts of levying war, or of aiding and comforting the enemy, which the offender must have committed before he can have rendered himself liable to be punished for treason as defined in the Constitution. Those and other similar offences are perpetrated for the purpose of overthrowing Government. Civil war must inevitably result from them. They might be deemed less heinous than open rebellion, if it were not certain that they are the fountain from which the streams of treason and civil war must flow, sweeping the innocent and the guilty with resistless tide onward to inevitable destruction.

ALL ATTEMPTS TO OVERTURN GOVERNMENT SHOULD BE PUNISHED.

Of the many atrocious misdeeds which are preliminary to or contemporaneous with treason, each and all may be and should be punishable by law. It is by no means desirable that the punishment of all of them should be by death, but rather by that penalty which, depriving the criminal of the means of doing harm, will disgrace him in the community he has dishonored. Imprisonments, fines, forfeitures, confiscation, are the proper punishments for such hardened criminals, because imprisonment is a personal punishment, and fines, forfeitures, etc., merely transfer the property of the offender to the public, as a partial indemnity for the wrong he has committed.

When the terrible consequences of the crimes which foment civil war are considered, no penalty would seem too severe to expiate them. But it has been erroneously suggested that, as the levying of war—treason—itself is not punishable by depriving traitors of more than a life estate in their real estate, even though they are condemned to death, it could not have been the intention of the framers of the Constitution to punish any of the crimes which may originate a civil war, by penalty equally severe with that to which they limited Congress, in punishing treason itself. A lower offence, it is said, should not be punished with more severity than a higher one. This objection would be more plausible if the power to punish treason were in fact limited. But, as has been shown in a previous chapter, such is not the fact.*

ACT OF 1862, SECTION VI., DOES NOT PURPORT TO PUNISH TREASON.

If the penalty of death be not inflicted on the guilty, and if he be not accused of treason, no question as to the validity of the statute could arise under this clause of the Constitution, limiting the effect of attainders of treason. No objection could be urged against its validity on the ground of its forfeiting or confiscating all the property of the offender, or of its depriving him of liberty by imprisonment, or of its exiling him from the country.

Section 6 of the Act of 1862 does not impose the penalty of death, but it provides that if reb-

* See note to page 715 ante.

* See Chap. V. page 710.

els in arms shall not, within sixty days after proclamation by the President, cease to aid and abet the rebellion, and return to their allegiance, they shall be liable to have all their property seized, and used for the benefit of the country.

Suppose the rebels in arms refuse to obey the proclamation, and neglect or refuse to return to their allegiance; the mere non-performance of the requisition of this act is, *not levying war*, or aiding and comforting the enemy, technically considered, and so not treason—although, if they go on to perform overt acts in aid of the rebels, *those acts* will be treasonable. Will it be denied that the rebels in arms ought to be required by law to return to their allegiance, and cease rebellion? If their refusal to do so is not technically treason, ought they not to be liable to punishment for violating the law? Is any degree of pecuniary loss too severe for those who will continue at war with their country after warning and proclamation, if their lives are not forfeited?

LEGAL CONSTRUCTION OF THE ACT OF 1862.

What will be the construction put upon section sixth of the Act of July seventeenth, ch. 195, 1862, when taken in connection with the joint resolution which accompanied it, is not so certain as it should be. The language of the last clause in that resolution is, "Nor shall any punishment or proceedings, under said Act, be so construed as to work a 'forfeiture' of the real estate of the offender beyond his natural life." There is no forfeiture in express terms provided for in any part of the Act. The punishment of treason, in the first section, is either death and freedom of slaves, or imprisonment, fine, and freedom of slaves. The judgment of death for treason is the only one which could, even by the common law, have been so construed as to "work any forfeiture." It may have been the intention of Congress to limit the constructive effect of such a judgment. But the words of the resolution are peculiar; they declare that no "proceedings" under said act shall be so construed as to work a forfeiture, etc. Then the question will arise whether the "proceedings" (authorized by section sixth, in which the President has the power and duty to seize and use all the property of rebels in arms who refuse, after warning, to return to their allegiance) are such that a sale of such real estate, under the provisions of sections seventh and eighth, can convey any thing more than an estate for the life of the offender? But the crime punished by section sixth is not the *crime of treason*; and whether there be or be not a limitation to the power of the legislature to punish that crime, there is no limit to its power to punish the crime described in this section.*

Forfeiture and confiscation of real and personal estates for crimes, when there was and could have been no treason, were common and familiar penal statutes in several States or colonies when the Constitution was framed. Many of the old tories, in the time of the Revolution, were *banished*, and their real estate confiscated,

without having been tried for or accused of treason, or having incurred any forfeiture by the laws against treason. Such was the case in South-Carolina in 1776.* In that State, one set of laws was in force against treason, the punishment of which was forfeiture *worked by attainder*. Another set of laws were confiscation acts against tory *refugees* who had committed no treason. These distinctions were familiar to those who formed the Constitution, and they used language relating to these subjects with technical precision.

THE SEVERITY OF DIFFERENT PUNISHMENTS COMPARED.

Forfeiture and confiscation are, in the eye of the law, less severe punishments than death; they are in effect fines, to the extent to which the criminal is capable of paying them. It would not seem to be too severe a punishment upon a person who seeks, with arms in his hands, to destroy your life, to steal or carry away your property, to subvert your government, that he should be deprived of his property by confiscation or fine to any amount he could pay. Therefore, as the provisions of section sixth, which would authorize the seizure and appropriation of rebel real estate to public use, are not within the prohibitions of Art. III, Sect. 3 of the Constitution, it is much to be regretted that the joint resolution of Congress should have been so worded as to throw a doubt upon the construction of that part of the statute, if not to paralyze its effect upon the only class of rebel property which they cannot put out of the reach of Government, namely, their real estate.

THE SIXTH SECTION OF THE CONFISCATION ACT OF 1862 IS NOT WITHIN THE PROHIBITION OF THE CONSTITUTION, ARTICLE III. SECTION III.

Congress cannot, by giving a new name to acts of treason, transcend the constitutional limits in declaring its punishment. Nor can legislation change the true character of crimes. Hence some have supposed that Congress has no right to punish the most flagrant and outrageous acts of civil war by penalties more severe than those prescribed, as they say, for treason. Since a subject must have performed some overt act, which may be construed by courts into the "levying of war," or "aiding the enemy," before he can be convicted of treason, it has been supposed that to involve a great nation in the horrors of civil war can be nothing more, and nothing else, than treason. This is a mistake. The Constitution does not define the meaning of the phrase "levying war." Is it confined to the true and genuine signification of the words, namely, "that to levy war is to raise or begin war; to take arms for attack;" or must it be extended to include the carrying on or waging war, after it has been commenced?† The crime

* See *Willis v. Martin*, 2 Bay 20. See also *Hinselman v. Clarke and Al.*, Cox N. J., 1795.

† To *levy war* is to *raise or begin war*; to take arms for attack; to attack.—Webster's Quarto Dict.
To *levy* is 1. To raise, as a siege. 2. To raise or collect; to gather. 3. To raise, applied to war.—Worcester's Quarto Dict.

* See Note, page 715, *United States v. Latham*.

committed by a few individuals by merely *leaving* war, or beginning without prosecuting or continuing armed resistance to Government, although it is treason, may be immeasurably less than that of carrying on a colossal rebellion, involving millions in a fratricidal contest. Though treason is the highest *political* crime known to the codes of law, yet wide-spread and savage rebellion is a still higher crime against society; for it embraces a cluster of atrocious wrongs, of which the attack upon Government—treason—is but one. Although there can be no treason unless the culprit levies war or aids the enemy, yet it by no means follows that all acts of carrying on a war once levied are *only* acts of treason. Treason is the threshold of war; the traitor passes over it to new and deeper guilt. He ought to suffer punishment proportioned to his crimes.

It must also be remembered that the Constitution does not indicate that fines, forfeitures, confiscations, outlawry, or imprisonment are “severer penalties than death.” The law has never so treated them. Nor is there any limit to the power of Congress to punish traitors, as has been shown in a previous chapter.* Who will contend that the crime of treason is in morals more wicked, in its tendencies more dangerous, or in its results more deadly, than the conspiracy by which it was plotted and originated? Yet suppose the conspirator is artful enough not to commit any overt act in presence of two witnesses, he cannot be convicted of treason, though he may have been far more guilty than many thoughtless persons who have been put forward to execute the “overt acts,” and have thereby become punishable as traitors. Suppose a person commit homicide; he may be accused of assault and battery, or assault with intent to kill, or justifiable homicide, or manslaughter, or murder in either degree. Suppose the Constitution limited the punishment of wilful murder to the death of the criminal and forfeiture of his real and personal estate for life, would any person contend that neither of the other above-mentioned crimes could be punished, unless the criminal were convicted of wilful murder? If he had committed murder, he must have committed all the crimes involved in murder. He must have made an assault with intent to kill; and he must have committed unjustifiable homicide, or manslaughter. If the Government should, out of leniency, prosecute and convict him of manslaughter, and impose upon him a penalty of fine, or confiscation of his real and personal estate, instead of sentence of death, would any one say that the penalty imposed was severer than death? or that murder was legislated into any other crime? or that any other crime was legislated into murder? Many crimes of different grades may coexist and culminate in one offence. It is no sign of undue severity to prosecute the offender for one less than the highest. The same course of crime may violate many of the duties the loyal citizen owes to his

country. To pass laws declaring the penalty for each and all of these crimes does not transcend the true scope of the criminal legislation of Congress, where an offender has brought upon his country the horrors of civil war by destroying the lives of those who have given him no cause of offence, by violating the rights of the living and the dead, by heaping upon his guilty act the criminality of a thousand assassins and murderers, and by striking at the root of the peace and happiness of a great nation; it does not seem unduly severe to take from him his property and his life. The Constitution does not protect him from the penalty of death; and it cannot be so interpreted as to protect him against confiscation of his real estate.

TREASON AND CONFISCATION LAWS IN 1862—THEIR PRACTICAL OPERATION.

To understand the practical operation of the statutes now in force for the punishment of treason and rebellion, and for the seizure and confiscation of rebel property, it is necessary to observe the effect of other statutes which regulate the mode of procedure in the United States courts. Section 1 of the act of 1862, which, as well as the act of 1790, prescribes the punishment of death for treason; section 2, which imposes fines and penalties; section 3, which adds disqualification for office; and, in fact, all the penal sections of this statute, entitle the accused to a judicial trial. Before he can be made liable to suffer any penalty, he must have been “pronounced guilty of the offence charged,” and he must have suffered “judgment and sentence on conviction.” The accused cannot by law be subjected to a trial unless he has previously been indicted by a grand-jury. He cannot be adjudged guilty unless upon a verdict of a petty jury, impanelled according to law, and by courts having jurisdiction of the person and of the alleged offence. A brief examination of the statutes regulating such proceedings will show that treason and confiscation laws will not be likely to prove effectual, unless they shall be amended, or unless other statutes shall be so modified as to adapt them to the present condition of the country.

LEGAL RIGHTS OF PERSONS ACCUSED OF TREASON.

All judicial convictions must be in accordance with the laws establishing the judiciary and regulating its proceedings. Whenever a person accused of crime is held by the Government, not as a belligerent or prisoner of war, but merely as a citizen of the United States, then he is amenable to, and must be tried under and by virtue of standing laws; and all rights guaranteed to other citizens in his condition must be conceded to him.

WILL SECESSIONISTS INDICT AND CONVICT EACH OTHER?

No person can lawfully be compelled to appear and answer to a charge for committing capital or otherwise infamous crimes, except those arising

* See Chap. V. p. 710.

in the army and navy, when in actual service, in time of war or public danger, until he has been indicted by a grand-jury.* That grand-jury is summoned by the marshal from persons in the district where the crime was committed.

By the statute of September twenty-fourth, 1789, section 29, "in all cases punishable with death, the trial shall be had in the county where the offence was committed; or where that cannot be done without great inconvenience, twelve petit jurors at least shall be summoned from thence." It has indeed been decided that the judges are not obliged to try these cases in the county where the crime was committed, but they are bound to try them within the district in which they were perpetrated.†

HOW THE JURIES ARE SELECTED, AND THEIR POWERS.

The juries are to be designated by lot, or according to the mode of forming juries practised in 1789, so far as practicable; the qualifications of jurors must be the same as those required by the laws of the State where the trial is held, in order to qualify them to serve in the highest court of that State; and jurors shall be returned from such parts of the district, from time to time, as the court shall direct, so as to be most favorable to an impartial trial. And if so many jurors are challenged as to prevent the formation of a full jury, for want of numbers the panel shall be completed from the bystanders.

STATE RIGHTS AND SECESSION DOCTRINES IN THE JURY-ROOM.

The jury are by law judges of the law and the fact, according to the opinion of many eminent lawyers and judges. Whether this be so or not, their verdict, being upon the law and the fact, in a criminal case, they become in effect judges of law and fact. Suppose that the judge presiding at the trial is honest and loyal, and that the jury is composed of men who believe that loyalty to the State is paramount to loyalty to the United States; or that the States had, and have, a lawful right to secede from the Union. Whatever the opinions of the judge presiding in the United States Court might be on these questions, he would have no power to root out from the jury their honest belief, that obedience to the laws of their own seceding State is not, and cannot be, treason. The first step toward securing a verdict would be to destroy the belief of the jury in these doctrines of State rights, paramount State sovereignty, and the right of secession. To decide the issue, according to the conscientious judgment of the jurymen upon the facts and the law, would require them to find a verdict against the United States.

SYMPATHY.

But this is not the only difficulty in the operation of this statute. The grand-jurors and the petit jury are to be drawn from those who are neighbors, and possibly friends, of the traitors.

* Constitutional Amendment V.

† *United States v. Wilson*, Baldw. 117; *United States v. Cornell*, 2 Mass. 95-99; *United States v. The Insurgents*, 8 Dall. 515.

The accused has the further advantage of knowing, before the time of trial, the names of all the jurors, and of all the witnesses to be produced against him; he has the benefit of counsel, and the process of the United States to compel the attendance of witnesses in his behalf.* How improbable is it that any jury of twelve men will be found to take away the lives or estates of their associates, when some of the jurymen themselves, or their friends and relatives or debtors, are involved in the same offence! Could any judge reasonably expect a jury of horse-thieves to convict one of their own number, when either of the jurymen might be the next man required to take his turn in the criminal box? Under the present state of the law, it is not probable that there will ever be a conviction, even if laws against treason and those which confiscate property, were not unpopular and odious in a community against whom they are enacted. When an association of traitors and conspirators can be found to convict each other, than these statutes will punish treason, but not sooner.

LAWS ARE MOST EFFECTIVE WHICH REQUIRE NO REBEL TO ADMINISTER THEM.

Those sections of the act of 1862, empowering government to seize rebel property, real, personal, and mixed, and to apply it to the use of the army, to secure the condemnation and sale of seized property, so as to make it available, and to authorize proceedings *in rem*, conformably to proceedings in admiralty or revenue cases, are of a different and far more effective character. Those clauses in the act which allow of the employment in the service of the United States of colored persons, so far as they may be serviceable, and the freeing of the slaves of rebels, whether captured, seized, fugitive, abandoned, or found within the lines of the army, may be of practical efficacy, because these measures do not require the aid of any secession jury to carry them into effect.

STATUTES OF LIMITATION WILL PROTECT TRAITORS.

The statutes limiting the time during which rebels and traitors shall be liable to indictment ought also to be considered. By the act of 1790, no person can be punished unless indicted for treason within three years after the treason was committed, if punishable capitally; nor unless indicted within two years from the time of committing any offence punishable with fine or forfeiture. Thus, by the provisions of these laws, if the war should last two years, or if it should require two or three years after the war shall have been ended to reestablish regular proceedings in courts, all the criminals in the seceded States will escape by the operation of the statutes of limitations. It is true, that if traitors flee from justice these limitations will not protect them; but this exception will apply to few individuals, and those who flee will not be likely to be caught. Unless these statutes are modified, those who have caused and maintained the rebellion will escape from punishment.†

* Statute of April 30, 1790, Sect. 29.

† Several bills have been introduced during the present session of Congress (1863-64) to remedy the difficulties here pointed out.

CHAPTER VIII.

INTERFERENCE OF GOVERNMENT WITH THE DOMESTIC AFFAIRS OF THE STATES.

PARTY PLATFORMS CANNOT ALTER THE CONSTITUTION.

POLITICAL parties, in times of peace, have often declared that they do not intend to interfere with slavery in the States. President Buchanan denied that Government had any power to coerce the seceded States into submission to the laws of the country. When President Lincoln called into service the army and navy, he announced that it was not his purpose to interfere with the rights of loyal citizens, nor with their domestic affairs. Those who have involved this country in bloody war, all sympathizers in their treason, and others who oppose the present Administration, unite in denying the right of the President or of Congress to interfere with slavery, even if such interference is the only means by which the Union can be saved from destruction. No constitutional power can be obliterated by any denial or abandonment thereof, by individuals, by political parties, or by Congress.

The war power of the President to emancipate enemy's slaves has been the subject of a preceding chapter. Congress has power to pass laws necessary and proper to provide for the defence of the country in time of war, by appropriating private property to public use, with just compensation therefor, as shown in Chapter I.; also laws enforcing emancipation, confiscation, and all other belligerent rights, as shown in Chapter II.; and it is the sole judge as to what legislation, to effect these objects, the public welfare and defence require; it may enact laws abolishing slavery, whenever slavery, ceasing to be *merely* a private and domestic relation, becomes a matter of *national* concern, and the public welfare and defence cannot be provided for and secured without interfering with slaves. Laws passed for that purpose, in good faith, against belligerent subjects, not being within any express prohibition of the Constitution, cannot lawfully be declared void by any department of Government. Reasons and authority for these propositions have been stated in previous chapters.

DOMESTIC INSTITUTIONS.

Among the errors relating to slavery which have found their way into the public mind—errors traceable directly to a class of politicians who are now in open rebellion—the most important is, that *Congress has no right to interfere in any way with slavery*. Their assumption is, that the States in which slaves are held are alone competent to pass any law relating to an institution which belongs exclusively to the domestic affairs of the States, and in which Congress has no right to interfere in any way whatever.

From a preceding chapter, (see page 687,) it will be seen, that if slaves are *property*, property can be interfered with under the Constitution; if slavery is a *domestic* institution, as *Mormonism* or *apprenticeship* is, each of them can lawfully

be interfered with and annulled. But slavery has a double aspect. So long as it remains in truth "*domestic*," that is to say, according to Webster's Dictionary, "*pertaining to house or home*," so long government cannot be affected by it, and have no ground for interfering with it; when, on the contrary, it no longer pertains only to house and home, but enters into vital questions of war, aid and comfort to public enemies, or any of the national interests involved in a gigantic rebellion; when slavery, rising above its comparative insignificance as a household affair, becomes a vast, an overwhelming power which is used by traitors to overthrow the Government, and may be used by Government to overthrow traitors, it then ceases to be *merely* domestic; it becomes a *belligerent power*, acting against the "*public welfare and common defence*." No institution continues to be simply "*domestic*" after it has become the effective means of aiding and supporting a public enemy.

When an "*institution*" compels three millions of subjects to become belligerent traitors, because they are slaves of disloyal masters, slavery becomes an affair which is of the utmost public and national concern. But the Constitution *not only empowers*, but, under certain contingencies *requires* slavery in the States to be interfered with. No one who will refer to the sections of that instrument here cited, will probably venture to deny the power of Congress, in one mode or another, to *interfere* for or against the institution of slavery.

CONGRESS MAY PASS LAWS INTERFERING FOR THE PRESERVATION AND PROTECTION OF SLAVERY IN THE STATES.

Art. IV. Sect. 2 required that fugitive slaves should be *delivered up*, and the fugitive slave-laws were passed to carry this clause into effect.

Art. I. Sect. 9, required that the foreign slave-trade should not be interfered with prior to 1808, but allowed an importation tax to be levied on each slave, not exceeding ten dollars per head.

Art. V. provided that no amendment of the Constitution should be made, prior to 1808, affecting the preceding clause.

Art. I. Sect. 2, provides that three fifths of all slaves shall be included in representative numbers.

CONGRESS MAY INTERFERE AGAINST SLAVERY IN THE STATES.

Art. I. Sect. 8. Congress has power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes. Under this clause Congress can in effect prohibit the *inter-State slave trade*, and so pass laws diminishing or destroying the value of slaves in the Border States, and practically *abolish slavery* in those States.

CONGRESS MAY INTERFERE WITH SLAVERY, BY CALLING UPON THE SLAVES, AS SUBJECTS, TO ENTER MILITARY SERVICE.

Art. I. Sect. 8. Congress has the power to declare war and make rules for the government

of land and naval forces, and under this power to decide who shall *constitute the militia of the United States*, and to enrol and compel into the service of the United States *all the slaves*, as well as their masters, and thus to interfere with slavery in the States.

CONGRESS MAY INTERFERE WITH SLAVERY IN THE STATES BY CUTTING OFF THE SUPPLY OF SLAVES TO SUCH STATES.

The law now prohibiting the importation of slaves, and making slave-trading piracy, is an interference with slavery, by preventing their introduction into the slave States. So also is the treaty with England to suppress the slave-trade, and to keep an armed naval force on the coast of Africa.

In case of servile insurrection against the laws and authority of the United States, the Government *are bound to interfere with slavery*, as much as in an insurrection of their masters, which may also require a similar interference. The President, with the advice and consent of the Senate, has the power to make treaties; and, under the treaty-making power, slavery can be and has been interfered with. In the last war with Great Britain, a treaty was made to evacuate all the forts and places in the United States without carrying away any of the slaves who had gone over to them in the States. Congress then interfered to *sustain* the institution of slavery, for it was only by *sustaining* slavery that this Government could claim indemnity for slaves as *property*. The *treaty-making power* may abolish slavery in the whole country, as, by Art. VI., the Constitution, the laws, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land. A clause in any treaty abolishing slavery would, *ipso facto*, become the supreme law of the land, and there is no power whatever that could interfere with or prevent its operation. By the treaty-making power, any part of the country burdened with slavery, and wrested from us by conquest, could be ceded to a foreign nation who do not tolerate slavery, and without claim of indemnity. The principle is well established that "the release of a territory from the dominion and sovereignty of the country, if that cession be the result of coercion or conquest, does not impose any obligation upon the Government to indemnify those who may suffer loss of property by the cession."*

The State of New-York had granted to her own citizens many titles to real estate lying in that part of her territory now called Vermont. Vermont separated itself from New-York, and declared itself an independent State. It maintained its claims to such an extent, that New-York, by act of July 14, 1789, was enforced to empower commissioners to assent to its independence; but refused to compensate persons claiming land under grant from New-York, though they were deprived of them by Vermont. The ground taken by the Legislature was, that the

Government was not required to assume the burden of losses produced by conquest or by the violent dismemberment of the State.

Supposing England and France should, by armed intervention, compel the dismemberment of the United States, and the cession of the slave States to them as conquered territory; and that the laws of the conquerors allowed no slaveholding. Could any of the citizens of slave States, who might reside in the free States, having remained loyal, but having lost their slaves, make just legal claim for indemnity upon the Government? Certainly not.

Other instances may be cited in which Congress has the power and duty of interference in the local and domestic concerns of States, other than those relating to slavery.* Chief-Justice Taney says:

"Moreover, the Constitution of the United States, as far as it has provided for an emergency of this kind, and authorized the general Government to interfere in the domestic concerns of a State, has treated the subject as political in its nature, and placed the power in the hands of that department. Art. IV. Sect. 4 of the Constitution of the United States provides that the United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion, and, on the application of the Legislature, or of the Executive when the Legislature cannot be convened, against *domestic violence*. Under this article of the Constitution it rests with Congress to decide what government is the established one in a State. For, as the United States guarantees to each State a republican government, Congress must necessarily decide what government is established, before it can determine whether it is republican or not. And when senators and representatives of a State are admitted into the councils of the Union, the authority of the Government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority, and its decision is binding upon every other department of the Government, and could not be questioned in a judicial tribunal. So, too, as relates to the clause in the above-mentioned article of the Constitution, providing for cases of *domestic violence*. It rested with Congress, too, to determine the means proper to be adopted to fulfil this guarantee."

Suppose, then, that for the purpose of securing "*domestic tranquillity*" and to suppress *domestic violence*, Congress should determine that emancipation of the slaves was a necessary and proper means, it would be the duty of Congress to adopt those means, and thus to interfere with slavery.† If a civil war should arise in a single State between the citizens thereof, it is the duty of Congress to cause *immediate interference* in the domestic and local affairs of that State, and to put an end to the war; and this interference may be by force of arms and by

* *Luther v. Borden*, 7 How. 42.

† *Luther v. Borden*, 7 How. 42.

* 1 Kent Com. 178.

force of laws; and the fact that the cause of quarrel is domestic and private, whether it be in relation to a proposed change in the form of government, as in *Dorr's rebellion*,* or a rebellion growing out of any other domestic matter, the Constitution authorizes and requires interference by the General Government. Hence it is obvious that if slaves be considered property, and if the regulation of slavery in the States be deemed in some aspects one of the domestic affairs of the States where it is tolerated, yet these facts constitute no reason why such property may not be interfered with, and slavery dealt with by Government according to the emergencies of the time, whenever slavery assumes a new aspect, and arises from its private and domestic character to become a matter of national concern, and imperils the safety and preservation of the whole country. We are not to take our opinions as to the extent or limit of the powers contained in the Constitution from partisans or political parties, nor even from the dicta of political judges. We should examine that instrument in the light of history and of reason; but when the language is plain and clear, we need no historical researches to enable us to comprehend its meaning. When the interpretation depends upon technical law, then the contemporary law-writers must be consulted. The question as to the meaning of the Constitution depends upon what the people, the plain people who adopted it, intended and meant at the time of its adoption.

• AUTHORITY CONSTRUCTION OF THE MEANING OF THE CONSTITUTION.

The conclusive authority on its interpretation is the document itself. When questions have arisen under that instrument, upon which the Supreme Court have decided, and one which they had a right to decide, their opinion is, for the time being, the supreme authority, and remains so until their views are changed and new ones announced; and as often as the Supreme Court change their judgments, so often the authoritative interpretation of the Constitution changes. The Supreme Court have the right to alter their opinions every time the same question is decided by them; and as new Judges must take the place of those whose offices are vacated by death, resignation, or impeachment, it is not unlikely that opinions of the majority of the Court may, upon constitutional as well as upon other questions, be sometimes on one side and sometimes on the other.

Upon political discussions, such as were involved in the *Dred Scott* case, the judges are usually at variance with each other; and the view of the majority will prevail until the majority is shifted. The judges are not legally bound to adhere to their own opinions, although litigants in their courts are. Whenever the majority of the court has reason to overrule a former decision, they not only have the right, but it is their duty to do so.

The opinions of the framers of the Constitu-

tion are not authority, but are resorted to for a more perfect understanding of the meaning they intended to convey by the words they used; but after all, the words should speak for themselves; for it was the language in which that instrument was worded that was before the people for discussion and adoption. We must therefore go back to that original source of our supreme law, and regard as of no considerable authority the platforms of political parties who have attempted to import into the Constitution powers not authorized by fair interpretation of its meaning, or to deny the existence of those powers which are essential to the perpetuity of the Government.

A political party may well waive a legal constitutional right, as matter of equity, comity, or public policy; and this waiver may take the form of a denial of the existence of the power thus waived. In this manner Mr. Douglas not merely waived, but denied, the power of Congress to interfere with slavery in the Territories; and in the same way members of the Republican party have disclaimed the right, in time of peace, to interfere with slavery in the States; but such disclaimers, made for reasons of state policy, are not to be regarded as enlarging or diminishing the rights or duties devolved on the departments of Government, by a fair and liberal interpretation of all the provisions of the Constitution.

Rising above the political platforms, the claims and disclaimers of Federalists, Democrats, Whigs, Republicans, and all other parties, and looking upon the Constitution as designed to give the Government made by the people for the people the powers necessary to its own preservation and to the enforcement of its laws, it is not possible justly to deny the right of Government to interfere with slavery, Mormonism, or any other institution, condition, or social status into which the subjects of the United States can enter, whenever such interference becomes essential as a means of "public welfare or common defence in time of war."*

MILITARY ARRESTS IN TIME OF WAR.

THE people of America, educated to make their own laws, and to respect and abide by them, having made great sacrifices in olden times to acquire and maintain civil liberty under the law, and holding the rights of every citizen, however humble, as sacred as the rights of a sovereign, accustomed to an almost uninterrupted tranquility, and to the full enjoyment of the rights guaranteed by our Constitution and laws to citizens in time of peace, have been suddenly thrown into a new and startling position. The same Constitution which has guarded their rights in peace is now suddenly wheeled round for their protection against their former associates, who have now become public enemies. A safeguard to its friends, it is an engine of destruction to its foes. Can it be wondered at that the sudden transition from their accustomed personal liberty to the

* See *Luttrell v. Borden*, 7 How.

* In several preceding chapters other branches of this subject have been discussed.

stern restrictions imperatively required by the necessities of public safety, in time of civil war, should have found many intelligent and patriotic men, unprepared for this great change, alarmed by its consequences, and fearful that civil liberty itself might go down by military usurpation?

ARRESTS IN LOYAL STATES REGARDED WITH ALARM.

The arrest by military authority of enemies who are still left in the loyal States, and who are actually committing, or who entertain the will and intention to commit, hostile acts tending to obstruct, impede, or destroy the military operations of the army or navy, and the detention of such persons for the purpose of preventing hostilities, has been looked upon with alarm.

RIGHT OF FREEDOM FROM ARREST CLAIMED BY PUBLIC ENEMIES.

And it has happened that loyal and peaceful citizens have in some instances made the mistake of setting up unjustifiable claims in behalf of public enemies, and of asserting for them the privilege of freedom from military arrest or of discharge from imprisonment. Citizens, meaning to be loyal, have thus aided the public enemy by striving to prevent the military power of the Government from temporarily restraining persons who were acting in open hostility to the country in time of war.

CIVIL WAR CHANGES OUR LIBERTIES.

In time of civil war every citizen must needs be curtailed of some of his accustomed privileges.

The soldier and sailor give up most of their personal liberty to the will and order of their commanding officers.

The person capable of bearing arms may be enrolled in the forces of the United States, and is liable to be made a soldier.

Our property is liable to be diminished by unusual taxes, or wholly appropriated to public use, or to be destroyed on the approach of an enemy.

Trade, intercourse, the uses to which it is usually lawful to put property of all kinds, are changed by war.

No civil, municipal, constitutional, or international right is unchanged by the intervention of war.

Shall the person who is disloyal or hostile to the Government and country complain that his privileges are also modified in order to protect the country from his own misconduct?

GENERAL WAR POWERS OF THE PRESIDENT.

Some remarks on the *general* war powers of the President being essential to an explanation of the subject of *military arrests*, it has been found most convenient to reprint from a former treatise the following extracts on that subject:

"It is not intended (in this chapter*) to explain the *general* war powers of the President.

They are principally contained in the Constitution, Art. II. Sect. 1, Cl. 1 and 7; Sect. 2. Cl. 1; Sect. 3, Cl. 1; and in Sect. 1, Cl. 1, and by necessary implication in Art. I. Sect. 9, Cl. 2. By Art. II. Sect. 2, the President is made Commander-in-Chief of the army and navy of the United States, and of the militia of the several States when called into the service of the United States. This clause gives ample powers of war to the President, when the army and navy are lawfully in 'actual service.' His military authority is supreme, under the Constitution, while governing and regulating the land and naval forces, and treating captures on land and water in accordance with such rules as Congress may have passed in pursuance of Art. I. Sect. 8, Cl. 11, 14. Congress may effectually control the military power, by refusing to vote supplies, or to raise troops, and by impeachment of the President; but for the military movements, and measures essential to overcome the enemy—for the general conduct of the war—the President is responsible to and controlled by no other department of government. His duty is to uphold the Constitution and enforce the laws, and to respect whatever rights loyal citizens are entitled to enjoy in time of civil war, to the fullest extent that may be consistent with the performance of the military duty imposed on him.*

"What is the extent of the military power of the President over the persons and property of citizens at a distance from the seat of war—whether he or the War Department may lawfully order the arrest of citizens in loyal States on reasonable proof that they are either enemies or aiding the enemy; or that they are spies or emissaries of rebels sent to gain information for their use, or to discourage enlistments; whether martial law may be extended over such places as the commander deems it necessary to guard, even though distant from any battle-field, in order to enable him to prosecute the war effectually; whether the writ of *habeas corpus* may be suspended, as to persons under military arrest, by the President, or only by Congress, (on which point judges of the United States courts disagree;) whether, in time of war, all citizens are liable to military arrest, on reasonable proof of their aiding or abetting the enemy, or whether they are entitled to practise treason until indicted by some grand-jury; thus, for example, whether Jefferson Davis, or General Lee, if found in Boston, could be arrested by military authority and sent to Fort Warren? Whether, in the midst of wide-spread and terrific war, those persons who violate the laws of war and the laws of peace, traitors, spies, emissaries, brigands, bushwhackers, guerrillas, persons in the free States supplying arms and ammunition to the enemy, must all be proceeded against by civil tribunals only, under forms and precedents of law, by the tardy and ineffectual machinery of arrests by *marshals*, (who can rarely have means of apprehending them,) and of *grand-juries*, (who meet twice a

* Chapter III., "War Powers of the President," etc., ante.

* The effect of a state of war, in changing or modifying civil rights, is explained in the "War Powers of the President," etc.

year, and could seldom if ever seasonably secure the evidence on which to indict them?) Whether government is not entitled by military power to PREVENT the traitors and spies, by arrest and imprisonment, from doing the intended mischief as well as to punish them after it is done? Whether war can be carried on successfully, without the power to save the army and navy from being betrayed and destroyed, by *depriving* any citizen temporarily of the power of acting as an enemy, whenever there is reasonable cause to suspect him of being one? Whether these and similar proceedings are, or are not, in violation of any civil rights of citizens under the Constitution, are questions to which the answers depend on the construction given to the war powers of the Executive. Whatever any Commander-in-Chief, in accordance with the usual practice of carrying on war among civilized nations, may order his army and navy to do, is within the *power* of the President to order and to execute, because the Constitution, in express terms, gives him the supreme command of both. If he makes war upon a foreign nation, he should be governed by the law of nations; if lawfully engaged in civil war, he may treat his enemies as subjects and as belligerents.

"The Constitution provides that the government and regulation of the land and naval forces, and the treatment of captures, should be according to law; but it imposes, in express terms, no other qualification of the war power of the President. It does not prescribe any territorial limits, within the United States, to which his military operations shall be restricted; nor to which the picket guards or military officers (sometimes called *provost-marshal*) shall be confined. It does not exempt any person making war upon the country, or aiding and comforting the enemy, from being *captured*, or arrested, wherever he may be found, whether within or out of the lines of any division of the army. It does not provide that public enemies, or their abettors, shall find safe asylum in any part of the United States where military power can reach them. It requires the President, as an executive magistrate, in time of peace, to see that the laws existing in time of peace are faithfully executed; and as Commander-in-Chief, in time of war, to see that the laws of war are executed. In doing both duties, he is strictly obeying the Constitution."

MARTIAL LAW IS THE LAW OF WAR.

It consists of a code of rules and principles regulating the rights, liabilities, and duties, the social, municipal, and international relations in time of war, of all persons, whether neutral or belligerent. These rules are liable to modification in the United States by statutes, usually termed "military law," or "articles of war," and the "rules and regulations made in pursuance thereof."

FOUNDATION OF MARTIAL LAW.

Municipal law is founded upon the necessities of social organization. Martial law is founded
 SUP. DOC. 47

upon the necessities of war. Whatever compels a resort to war, compels the enforcement of the laws of war.

THE EXTENT OF THE MEANS OF WAR AS SHOWN BY THE NECESSITIES OF WAR, AND ITS OBJECTS.

The objects and purposes for which the war is inaugurated required the use of the instrumentalities of war.

When the law of force is appealed to, force must be sufficiently untrammelled to be *effectual*. Military power must not be restrained from reaching the public enemy in all localities, under all disguises. In war there should be no asylum for treason. The *ægis* of law should not cover a traitor.

A public enemy, wherever he may be found, may, if he resists, be killed or captured, and if captured, he may be detained as a prisoner.

The purposes for which war is carried on may and must be accomplished. If it is justifiable to commence and continue war, then it is justifiable to extend the operations of war until they shall have completely attained the end for which it was commenced, by the use of all means employed in accordance with the rules of civilized warfare.

And among those means none are more familiar or more essential than that of capturing, or arresting, and confining the enemy. Necessity arbitrates the rights and the methods of war. Whatever hostile military act is essential to public safety in civil war is lawful.

POWERS AND RESPONSIBILITIES OF MILITARY COMMANDERS.

"The law of nature and of nations gives to belligerents the right to employ such force as may be necessary in order to obtain the object for which the war was undertaken." Beyond this the use of force is unlawful. This necessity forms the limit of hostile operations.

We have the same rights of war against the allies or associates of an enemy as against the principal belligerent.

When military forces are called into service for the purpose of securing the public safety, they may lawfully obey military orders made by their superior officers. The Commander-in-Chief is responsible for the mode of carrying on war. He determines the persons or people against whom his forces shall be used. He alone is constituted the judge of the nature of the exigency, of the appropriate means to meet it, and of the hostile character or purposes of individuals whose conduct gives him cause to believe them public enemies.

His right to seize, capture, detain, and imprison such persons is as unquestionable as his right to carry on war. The extent of the danger he is to provide against must be determined by him; he is responsible, if he neglects to use the means of meeting or avoiding it.

The nature of the difficulty to be met, and the object to be accomplished, afford the true measure and limit of the use of military powers. The

military commander must judge *who* the public enemy are, where they are, what degree of force shall be used against them, and what warlike measures are best suited to conquer the enemy, or restrain him from future mischief. If the enemy be in small force, they may be captured by another small force; if the enemy be a single individual, he may be captured by a provost-guard or marshal. If an officer, in the honest exercise of his duty, makes a mistake in arresting a friend instead of an enemy, or in detaining a suspicious person, who may be finally liberated, he is not for such error responsible in criminal or civil courts.

Any other rule would render war impracticable, and by exposing soldiers to the hazard of ruinous litigation, by reason of liability to civil tribunals, would render obedience to orders dangerous, and thus would break down the discipline of armies.

ARRESTS ON SUSPICION.

Arrests or captures of persons whose conduct gives reasonable cause of suspicion that they contemplate acts of hostility, are required and justified by military and martial law. Such arrests are precautionary. The detention of such suspected persons by military authority is, for the same reason, necessary and justifiable.*

Nothing in the Constitution or laws can define the possible extent of any military danger. Nothing, therefore, in either of them, can fix or define the extent of power necessary to meet the emergency, to control the military movements of the army, or of any detachments from it, or of any single officer, provost-marshal, or private.

Hence it is worse than idle to attempt to lay down rules of law defining the territorial limits of military operations, or of martial law, or of captures and arrests.

Wherever danger arises, there should go the military means of defence or safeguard against it. Wherever a single enemy makes his appearance, there he should be arrested and restrained.

ABUSE OF POWER OF ARREST.

The power of arrest and imprisonment is doubt, less liable to abuse. But the liability to abuse does not prove that the power does not exist. "There is no power, says the Supreme Court, that is not susceptible of abuse. The remedy for this, as well as for all other official misconduct, if it should occur, is to be found in the Constitution itself. In a free government the danger must be remote, since in addition to the high qualities which the Executive must be presumed to possess of public virtue, and honest devotion to the public interests, the frequency of elections, and the watchfulness of the representatives of the nation, carry with them all the checks which can be useful to guard against usurpation or wanton tyranny."†

SAFEGUARDS.

Our safeguard against the misuse of power is not, by denying its existence, to deprive our selves of its protection in time of war, but to rely on the civil responsibility of the officer.

The right of impeachment of the Commander-in-Chief, the frequent change of public officers, the control of the army and navy by the legislative power of Congress, the power of Congress over supplies, the power of Congress to make laws regulating and controlling the use of military power wherever it is liable to abuse, the fact that the Commander-in-Chief is also President and chief executive officer of government, and the great intelligence and high character of our soldiers, are all safeguards against arbitrary power, or the abuse of legal authority.

EFFECT OF WAR UPON THE COURTS AND OF COURTS UPON THE WAR.

Justice should rule over the deadly encounters of the battle-field; but courts and constables are there quite out of place. Far from the centres of active hostilities, judicial tribunals may still administer municipal law, so long as their proceedings do not interfere with military operations. But if the members of a court should impede, oppose, or interfere with military operations in the field, whether acting as magistrates or as individuals, they, like all other public enemies, are liable to capture and imprisonment by martial law. They have then become a belligerent enemy.

The character of their actions is to be determined by the military commander; not by the parchment which contains their commissions. A judge may be a public enemy as effectually as any other citizen. The rebellious districts show many examples of such characters. Is a judge sitting in a Northern court, and endeavoring to commit acts of hostility under the guise of administering law, any less a public enemy than if he were holding court in South-Carolina, and pretending to confiscate the property of loyal men? Are the black gown and wig to be the protection of traitors?

General Jackson arrested a judge in the war of 1812, kept him in prison in order to prevent his acts of judicial hostility, and liberated him when he had repulsed the enemy. The illegal fine imposed on him by that judge was repaid to the General after many years under a vote of Congress. Why should a judge be protected from the consequences of his act of hostility more than the clergyman, the lawyer, or the governor of a State?

The public safety must not be hazarded by enemies, whatever position they may hold in public or private life. The more eminent their position, the more dangerous their disloyalty.

Among acts of hostility which constitute judges public enemies, and subject them to arrest, are these:

1. When a State judge is judicially apprised that a party is in custody under the authority of

* Luther vs. Borden, 7 Howard's Supreme Court Reports, p. 1.

† Wheaton's Reports, p. 32.

the United States, he can proceed no further, under a *habeas corpus* or other process, to discharge the prisoner.

If he orders the prisoner to be discharged, it is the duty of the officer holding the prisoner to resist that order, and the laws of the United States will sustain him in doing so, and in arresting and imprisoning the judge, if necessary.*

2. So long as the courts do not interfere with military operations ordered by the Commander-in-Chief, litigation may proceed as usual; but if that litigation entangles and harasses the soldiers or the officers so as to disable them from doing their military duty, the judges and the actors being hostile, and using legal processes for the purpose and design of impeding and obstructing the necessary military operations in time of war, the courts and lawyers are liable to precautionary arrest and confinement, whether they have committed a crime known to the statute law or not. Military restraint is to be used for the prevention of hostilities, and public safety in time of civil war will not permit courts or constables, colleges or slave-pens, to be used as instruments of hostility to the country.

When a traitor is seized in the act of committing hostility against the country, it makes no difference whether he is captured in a swamp or in a court-house, or whether he has in his pocket the commission of a judge or a colonel.

Commanders in the field are under no obligations to take the opinions of judges as to the character or extent of their military operations, nor as to the question who are and who are not public enemies, nor who have and who have not given reasonable cause to believe that acts of hostility are intended. These questions are, by the paramount laws of war, to be settled by the officer in command.

MILITARY ARRESTS ARE NOT FORBIDDEN BY THE CONSTITUTION.

The framers of the Constitution having given to the Commander-in-Chief the full control of the army when in active service, subject only to the articles of war, have therefore given him the full powers of capture and arrest of enemies, and have placed upon him the corresponding obligation to use any and all such powers as may be proper to insure the success of our arms. To carry on war without the power of capturing or arresting enemies would be impossible. We should not, therefore, expect to find in the Constitution any provision which would deprive the country of any means of self-defence in time of unusual public danger.

We look in vain in the Constitution for a clause which in any way limits the methods of using war powers when war exists.

Some persons have turned attention to certain passages in the amendments relating, as was supposed, to this subject. Let us examine them:

ARTICLE IV. "The right of the people to be

secure in their persons, houses, papers, and effects against *unreasonable* searches and seizures shall not be violated."

This amendment merely declares that the right of being secure against *UNREASONABLE* seizures or arrests shall not be violated. It does not declare that no *ARRESTS* shall be made. Will any one deny that it is *reasonable* to arrest or capture the person of a public enemy?

If all arrests, reasonable or unreasonable, were prohibited, public safety would be disregarded in favor of the rights of individuals.

Not only may military but even civil arrests be made when *reasonable*.

ARRESTS WITHOUT WARRANT.

It is objected that military arrests are made without warrant. The military order is the warrant authorizing arrest, issuing from a commander, in like manner as the judicial order is the warrant authorizing arrest, issuing from a court. But even civil arrests at common law may be made without warrant by constables, or by private persons. (1 Chitty, C. L., 15 to 22.) There is a liability to fine and imprisonment if an offender is voluntarily permitted to escape by a person present at the commission of a felony or the infliction of a dangerous wound.

Whenever there is probable ground of suspicion that a felony has been committed, a private person may, without warrant, arrest the felon, and probable cause will protect the captor from civil liability.

"When a felony has been committed, a constable may arrest a supposed offender on information without a positive charge, and without a positive knowledge of the circumstances." And Chitty says, page 217: "A constable may justify an imprisonment, without warrant, on a reasonable charge of felony made to him, although he afterward discharge the prisoner without taking him before a magistrate, although it turns out that no felony was committed by any one."

In *Wakely vs. Hart*, 6 Binney, 318, Chief-Justice Tilghman says of the Constitution of Pennsylvania, which is nearly in the same words on this subject as the Constitution of the United States:

"The plaintiff insists that by the constitution of this State no arrest is lawful without warrant issued on probable cause, supported by oath. Whether this be the true construction of the Constitution is the main point in the case. It is declared in the 9th article, section 7, 'that the people shall be secure in their persons, houses, papers, and possessions, from unreasonable arrests, and that no warrant to search any place, or seize any person or thing, shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.'

"The provisions of this section, so far as concern warrants, only guard against their abuse by issuing them without good cause, and in so general and vague a form as may put it in the power of officers who execute them to harass innocent persons under pretence of suspicion; for, if gen-

* *Ableman vs. Booth*, 21 How. 524-5.

eral warrants were allowed, it must be left to the discretion of the officer on what persons or things they are to be executed. But it is *nowhere said* that there shall be *no arrest without warrant*. To have said so would have endangered the safety of society. The felon who is seen to commit murder or robbery must be arrested on the spot, or suffered to escape. So, although if not seen, yet if known to have committed a felony, and pursued with or without warrant, he may be arrested by any person.

"And even where there is only probable cause of suspicion, a *private person* may, without warrant, at his peril, make the arrest. I say at his peril, for nothing short of proving the felony will justify the arrest;" (that is by a private person on suspicion.) "These principles of common law are essential to the welfare of society, and not intended to be altered or impaired by the Constitution."

The right, summarily, to arrest persons in the act of committing heinous crimes has thus been sanctioned from ancient times by the laws of England and America. No warrant is required to justify arrests of persons committing felonies. The right to make such arrests is essential to the preservation of the existence of society, though its exercise ought to be carefully guarded. The great problem is to reconcile the necessities of government with the security of personal liberty.

If, in time of peace, civil arrests for felonies may be made by private citizens without warrant, *a fortiori*, military arrests in time of war for acts of hostility, either executed or contemplated, may be made under the warrant of a military command. And the provision that *unreasonable* seizures or arrests are prohibited has no application to military arrests in time of war.

OBJECTION THAT ARRESTS ARE MADE WITHOUT INDICTMENT.

The 5th article of the amendments of the Constitution provides that:

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand-jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall he be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

This article has no reference to the rights of citizens under the exigencies of war, but relates only to their rights in time of peace. It is provided that no person shall be subject for the same offence to be twice put in jeopardy of life or limb. If rebellion or treason be one of the offences here alluded to, and a rebel has been once *under fire*, and thus been put in jeopardy of life or limb, (in one sense of that phrase,) he

could not be fired at a second time without violating the Constitution, because a second shot would put him twice in jeopardy for the same offence.

"Nor shall he be deprived of life, liberty, or property without due process of law." If this provision relates to the rights of citizens *in time of war*, it is obvious that no property can be captured, no rebel killed in battle or imprisoned by martial law.

The claim that "no person shall be held to answer for a capital or otherwise infamous crime, unless upon a presentment or indictment of a grand-jury, except in cases," etc., in like manner applies only to the rights of citizens in time of peace.

What are "cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger"?

Suppose the Union forces arrest a spy from the enemy's camp, or catch a band of guerrillas, neither the spy nor the guerrillas belong to our land forces or navy. The enemy are no part of *our* forces or of *our* militia; and while this provision covers offences therein specified, if committed by *our* troops, and allows them to be dealt with by martial law, it would (if it is applicable in time of war) prevent our executing martial law against such enemies captured in war. We should, under such a construction, be required to indict and prosecute our enemy for capital crimes, instead of capturing and treating them as prisoners of war, or punishing them according to the laws of war.

The absurdity of such a construction is obvious. The language is inapplicable to a case of military arrest in war-time. No soldier is held to answer for a crime; he is captured as a prisoner of war, to be released, paroled, or exchanged. He is never expected to answer to any indictment; prisoners of war are not indicted.

Nor can any prisoner be held to answer for any crime unless upon a charge of such crime made before some tribunal. No such charge is made against prisoners of war, nor are they charged with any crime, infamous or otherwise, and therefore they are not held to answer any.

Hence that clause in the Constitution which provides for trial by jury, the right to be informed of the nature and cause of the accusation, etc., relates in express terms only to criminal prosecutions, and has nothing to do with military arrests or the procedures of martial law.

Therefore it is obvious that while criminal proceedings against persons not in the naval or military service are guarded in time of peace, and the outposts of justice are secured by freedom from unreasonable arrests, and in requiring indictment to be found by grand-jurors, speedy and public trial by an impartial jury, information of the nature of the charges, open examination of witnesses, and aid of counsel, etc., all these high privileges are not accorded to our public enemy in time of war, nor to those citizens who commit military offences, which, not being against any statute or municipal law, cannot be the

foundation of any indictment, punishment, or trial by jury, and do not constitute any capital or otherwise infamous crime, or to persons who commit acts which impede, embarrass, and tend to thwart the military measures of the government.

The safeguards of criminal procedures in courts of justice in time of peace are not to be construed into protection of public enemies in time of war.

THE CONSTITUTION SANCTIONS MILITARY ARRESTS.

The Constitution itself authorizes courts-martial. These courts punish for offences different from those provided for by any criminal statute. Therefore it follows that crimes not against statute laws may be punished by law according to the Constitution, and also that arrests necessary to bring the offenders before that tribunal are lawful.

In *Dynes vs. Hoover*,* the evidence was that an attempt had been made to hold a marshal liable for executing the order of the President of the United States, in committing Dynes to the penitentiary for an offence of which he had been adjudged guilty by a naval court-martial.

This case shows that the crimes to be punished, and the modes of procedure by courts-martial are different from those punished by civil tribunals; that the jurisdiction of these classes of tribunals is distinct, and that the judicial power and the military power of courts-martial are independent of each other, and both authorized by the same Constitution, and courts-martial may punish offences other than those provided for by criminal statutes. And if they may do so, it follows that persons may be arrested for such offences. The law is laid down by the court as follows:

"The demurrer admits that the court-martial was legally organized, and that the crime charged was one forbidden by law; that the court had jurisdiction of the charge as it was made; that a trial took place before the court upon the charge, and the defendant's plea of not guilty; and that, upon the evidence in the case, the court found Dynes guilty of an attempt to desert, and sentenced him to be punished as has been already stated; that the sentence of the court was approved by the Secretary, and by his direction Dynes was brought to Washington; and that the defendant was marshal for the District of Columbia, and that in receiving Dynes, and committing him to the keeper of the penitentiary, he obeyed the orders of the President of the United States in execution of the sentence. Among the powers conferred upon Congress by the eighth section of the first article of the Constitution are the following: 'To provide and maintain a navy;' 'to make rules for the government of the land and naval forces.' And the eighth amendment, which requires a presentment of a grand jury in cases of capital or otherwise infamous crime, expressly excepts from its opera-

tion 'cases arising in the land or naval forces. And by the second section of the second article of the Constitution, it is declared that 'the President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States.'

"These provisions show that Congress has the power to provide for the trial and punishment of military and naval officers in the manner then and now practised by civilized nations, and that the power to do so is given without any connection between it and the third article of the Constitution, defining the judicial power of the United States; indeed, that the two powers are entirely independent of each other."

The fact that the power exists of suspending the writ of *habeas corpus* in time of rebellion, when the public safety requires it, shows that the framers of the Constitution expected that arrests would be made for crimes not against municipal law, and that the administration of the ordinary rules of law on *habeas corpus* would require discharge of prisoners, and that such discharge might endanger public safety. It was to protect public safety in time of rebellion that the right to suspend the *habeas corpus* was left in the power of Government.

MILITARY POWERS MAY BE DELEGATED.

In the course of the preceding remarks, the Commander-in-Chief has been the only military authority spoken of as authorized to order arrests and seizures. His powers may be delegated to officers, and may be exercised by them under his command. So also the Secretaries of War and State are public officers, through whom the President acts in making orders for arrests, and their acts are in law the acts of the President. It is necessary to the proper conduct of war that many if not most of the powers of the President or commander should be exercised by his Secretaries and his generals, and that many of their powers should be executed by officers under them; and although it not seldom happens that subalterns use the powers of arrest and detention, yet the inconvenience resulting from this fact is one of the inevitable misfortunes of war.

OBEDIENCE OF ORDERS IS JUSTIFICATION.

Whatever military man obeys the order of his superior officer, is justified by law in doing so. Obedience to orders is a part of the law of the land; a violation of that law subjects the soldier to disgraceful punishment. Acts done in obedience to military orders will not subject the agent to civil or criminal liability in courts of law. But, on the other hand, any abuse of military authority subjects the offender to civil liability for such abuse, and he who authorized the wrong is responsible for it.

OFFICERS MAKING ARRESTS NOT LIABLE TO CIVIL SUIT OR CRIMINAL PROSECUTION.

That military arrests are deemed necessary for public safety by Congress is shown by the Act

* 20 Howard's Supreme Court Reports, page 63.

of March third, 1863, ch. 81, wherein it is provided that no person arrested by authority of the President of the United States shall be discharged from imprisonment so long as the war lasts, and the President shall see fit to suspend the privilege of the writ of *habeas corpus*.

The fourth section of the same Act provides "that any order of the President, or under his authority, made at any time during the existence of this present rebellion, shall be a defence in all courts to any action or prosecution, civil or criminal, pending or to be commenced for any search, seizure, arrest, or imprisonment, made, done, or committed, or acts omitted to be done under and by virtue of such order, or under color of any law of Congress, and such defence may be made by special plea, or under the general issue."

The same act further provides that actions against officers and others for torts in arrests commenced in State courts may be removed to circuit courts, and thence to the Supreme Court. The jurisdiction of State courts thereupon ceases, and the rights of the defendant may be protected by the laws of the United States administered by the Supreme Court. By these provisions there is secured protection for the past and security in the future performance of military and civil duties under orders of the President in time of war; and the statute contains an implied admission of the necessity to public welfare of arrests for crimes not against statutes, but endangering public safety, and of imprisonments for offences not known to the municipal laws, but yet equally dangerous to the country in civil war.

ARBITRARY POWER NOT CONSISTENT WITH CONSTITUTIONAL OR FREE GOVERNMENTS.

The exercise of irresponsible powers is incompatible with constitutional government. Unbridled will, the offspring of selfishness and of arrogance, regards no rights, and listens to no claims of reason, justice, policy, or honor. Its imperious mandate being its only law, arbitrary power sucks out the heart's blood of civil liberty. Vindicated by our fathers on many a hard-fought battle-field, and made holy by the sacrifice of their noblest sons, that liberty must not be wounded or destroyed; and in time of peace, in a free country, its power should shelter loyal citizens from arbitrary arrests and unreasonable seizures of their persons or property.

TRUE MEANING OF "ARBITRARY" AS DISTINGUISHED FROM "DISCRETIONARY."

What arrests are "arbitrary?"

Among the acts of war which have been severely censured is that class of military captures reproachfully styled "arbitrary" arrests.

What is the true meaning of the word "arbitrary"? When used to characterize military arrests it means such as are made at the mere will and pleasure of the officer, without right and without lawful authority. But powers are not arbitrary because they may be discretionary. The

authority of judges is often discretionary; and even if discretion be governed by rules, the judge makes his own rules; yet no one can justly claim that such judicial authority is arbitrary.

The existence of an authority may be undeniable, while the mode of using it may be discretionary. A power is arbitrary only when it is founded upon no rightful authority, civil or military. It may be within the discretion of a commander to make a military order; to dictate its terms; to act upon facts and reasons known only to himself; it may suddenly and violently affect the property, liberty, or life of soldiers or of citizens; yet such an order, being the lawful use of a discretionary authority, is not the exercise of arbitrary power. When such orders are issued on the field, or in the midst of active operations, no objection is made to them on the pretence that they are lawless or unauthorized, nor for the reason that they must be instantly and absolutely obeyed.

The difference is plain between the exercise of arbitrary power and the arbitrary exercise of power. The former is against law; the latter, however ungraciously or inconsiderately used, is lawful.

MILITARY ARRESTS LAWFUL.

The laws of war, military and martial, written and unwritten, founded on the necessities of government, are sanctioned by the Constitution and laws, and recognized as valid by the Supreme Court of the United States.

Arrests made under the laws of war are neither arbitrary nor without legal justification.

In *Cross vs. Harrison*, Judge Wayne, delivering the opinion, (16 Howard, 189, 190,) says:

"Early in 1847 the President, as constitutional Commander-in-Chief of the army and navy, authorized the military and naval commanders of our forces in California to exercise the belligerent rights of a conqueror, and to form a civil government for the conquered country, and to impose duties on imports and tonnage as military contributions for the support of the government and of the army, which had the conquest in possession. No one can doubt that these orders of the President and the action of our army and navy commanders in California, in conformity with them, was according to the law of arms," etc.

So, in *Fleming vs. Paige*, (9 Howard, 615,) Chief-Justice Taney says:

"The person who acted in the character of collector in this instance, acted as such under the authority of the military commander and in obedience to his orders; and the regulations he adopted were not those prescribed by law, but by the President in his character as Commander-in-Chief."

It is established by these opinions that military orders, in accordance with martial law or the laws of war, though they may be contrary to municipal laws; and the use of the usual means of enforcing such orders by military power, including capture, arrest, imprisonment, or the destruction of life and property, are authorized and sustained

upon the firm basis of martial law, which is, in time of war, constitutional law.

A military arrest being one of the recognized necessities of warfare, is as legal and constitutional a procedure, under the laws of war, as an arrest by civil authority by the sheriff, after the criminal has been indicted by a grand-jury for a statute offence.

In time of peace the interference of military force is offensive to a free people. Its decrees seem overbearing, and its procedures violent. It has few safeguards and no restraints. The genius of republican government revolts against permanent military rule. Hence the suspicions of the people are easily aroused upon any appearance of usurpation. It is for this reason that some opponents of the Government have endeavored to cripple the war power of the President by making against him the unfounded pretence that military arrests, a familiar weapon of warfare, can be employed only at the hazard of civil liberty.

ON WHAT GROUND FORCE IS JUSTIFIABLE.

When the administration of laws is resisted by an armed public enemy; when government is assaulted or overthrown; when magistrate and ruler are alike powerless, the nation must assert and maintain its rights by force of arms. Government must fight or perish. Self-preservation requires the nation to defend its rights by military power. The right to use military power rests on the universal law of self-defence.

MARTIAL LAW.

When war is waged, it ought not to degenerate into unbridled brutality, but it should conform to the dictates of justice and of humanity. Its objects, means, and methods should be justifiable in the forum of civilized and Christian nations. The laws or rules which usually govern this use of force are called military and martial law, or the laws of war.

Principles deducible from a consideration of the nature, objects, and means of war will, if understood, remove from the mind the apprehension of danger to civil liberty, from military arrests and other employment of force. When war exists, whatever is done in accordance with the laws of war is not arbitrary, and is not in derogation of the civil rights of citizens, but is *lawful*, justifiable, and indispensable to public safety.

WAR POWER HAS LIMITS.

Although the empire of the war power is vast, yet it has definite boundaries, wherein it is supreme. It overrides municipal laws and all domestic institutions or relations which impede or interfere with its complete sway. It reigns uncontrollable until its legitimate work is executed; but then it lays down its dripping sword at the feet of Justice, whose wrongs it has avenged.

It is not now proposed to define the limits and restrictions imposed by the laws of warfare upon the general proceedings of belligerents. It is to one only of the usual methods of war that atten-

tion is now directed, namely, to the capture and detention of public enemies.

ARRESTS NECESSARY.

Effectual hostilities could not be prosecuted without exercising the right to capture and imprison hostile persons. Barbarous nations only would justify the killing of those who might fall into their power. It is now too late to question the authority of martial law, which sanctions the arrest and detention of those who engage in foreign or civil war. The imprisonment of such persons is much more important to the public safety in civil than in international warfare.

MILITARY CRIMES.

Military crimes, or crimes of war, include all acts of hostility to the country, to the government, or to any department or officer thereof; to the army or navy, or to any person employed therein; *provided* that such acts of hostility have the effect of opposing, embarrassing, defeating, or even of interfering with our military or naval operations in carrying on the war, or of aiding, encouraging, or supporting the enemy.

According to the laws of war, military arrests may be made for the punishment or prevention of military crimes.

DOUBLE LIABILITY

Such crimes may or may not be offences against statutes. The fact that an act of hostility is against municipal as well as martial law, even though it may subject the offender to indictment in civil tribunals, does not relieve him from responsibility to military power.

To make civil war against the United States is to commit treason. Such act of treason renders the traitor liable to indictment and condemnation in the courts, and to capture, arrest, or death on the field of battle. But because a traitor may be hung as a criminal by the sheriff, it does not follow that he may not be captured, arrested, or shot as a public enemy by the soldiers.

An act of hostility may thus subject the offender to two-fold liability — first to civil, and then to military tribunals. Whoever denies the right to make military arrests, for crimes which are punishable by civil tribunals, would necessarily withhold one of the usual and most effective and essential means of carrying on war. Whoever restricts the right to cases where crimes have been committed in violation of some special statute, would destroy one of the chief safeguards of public security and defence.

ACTS MADE CRIMINAL BY A STATE OF WAR.

The quality of an act depends on the time, place, and circumstances under which it is performed.

Acts which would have been harmless and innocent in time of peace, become dangerous, injurious, and guilty in time of war. The rules and regulations of "the service" contain many illustrations of this fact. For a soldier to speak contemptuously of a superior officer might, as be-

tween two civilians, be a harmless or beneficial use of "free speech," but as in time of war such "free speech" might destroy discipline, encourage disobedience of orders, or even break up the confidence of the soldiers in their commanders, such speaking is strictly forbidden, and becomes a crime.

Most of the regulations which require obedience to orders are such, that disregard of them would, in time of peace, by civilians, be no breach of law or of morals, yet a breach of them by soldiers becomes a moral and a military crime.

In like manner, a citizen may commit acts to which he is accustomed in ordinary times, but which become grave offences in time of war, although not embraced in the civil penal code.

Actions not constituting any offence against the municipal code of a country, having become highly injurious and embarrassing to military operations, may and must be *prevented* if not *punished*. Such actions, being crimes against military or martial law, or the laws of war, can be prevented only by arrest and confinement, or destruction of the offender. If an act which interferes with military operations is not against municipal law, the greater is the reason for preventing it by martial law. And if such an action cannot be punished nor prevented by civil or criminal law, this fact makes stronger the necessity for preventing evil consequences by arresting the offender.

Absence of penal law imperatively demands application of military preventive process—that is, ARRESTS.

ARREST OF INNOCENT PERSONS.

Innocent persons are, under certain circumstances, liable to military arrest in time of civil war. Suppose an army retreating from an unsuccessful battle, and desirous of concealing from the enemy the number, position, and directions taken by the forces; and if, in order to prevent these facts from becoming known to their pursuers, the persons who are met on the retreat are captured and carried away, can any one doubt the right of making such arrests? However loyal or friendly those persons may be, yet, if seized by a pursuing enemy, they might be compelled to disclose facts by which the retreating army could be destroyed. Hence, when war exists, and the arrest and detention of even innocent persons is essential to the success of military operations, such arrest and detention are lawful and justifiable.

Suppose a loyal judge holding a court in a loyal State, and a witness is on the stand who knows the details of a proposed military expedition which it would be highly injurious to the military operations of the army or navy to have disclosed or made public, would any one doubt the right of the military commander to stop the trial on the instant, and, if necessary, to imprison the judge or the witness, to prevent betrayal of our military plans and expeditions, so that they might come to the knowledge of our enemy?

The innocence of the person who may through ignorance, or weakness, or folly, endanger the success of military expeditions, does not deprive the military commander of the power to guard against hazard and prevent mischief.

The true principle is this: the military commander has the power, in time of war, to arrest and detain all persons who, by being at large, he has reasonable cause to believe will impede or endanger the military operations of the country.

The true test of liability to arrest is, therefore, not alone the guilt or innocence of the party; not alone the neighborhood or distance from the places where battles are impending; not alone whether he is engaged in active hostilities; but whether his being at large will actually tend to *impede*, embarrass, or hinder the *bona fide* military operations in creating, organizing, maintaining, and most effectually using the military forces of the country.

No other motive or object for making military arrests, except for military crimes, is to be tolerated; no arrests, made under pretence of military power for other objects, are *lawful* or justifiable. The dividing line between *civil liberty* and military power is precisely here: civil liberty secures the right to freedom from arrests except by civil process in time of peace; or by military power when war exists, and the exigencies of the case are such that the arrest is required in order to prevent embarrassment or injury to the *bona fide* military operations of the army or navy.

It is not enough to justify an arrest to say that *war exists*, or that it is a *time of war*, (unless martial law is declared.) Nor is it necessary to justify arrests that active hostilities should be going on at the *place* of the arrest. It is, however, enough to justify arrests in any locality, however far removed from the battle-fields of contending armies, if it is a *time of war*, and the *arrest* is required to punish a military crime, prevent an act of hostility, or even to avoid the danger that military operations of any description may be impeded, embarrassed, or prevented.

In considering the subject of arrests, it must be borne in mind that "a person taken and held by the military forces, whether before, or in, or after a battle, or without any battle at all, is virtually a *prisoner of war*. No matter what his alleged offence, whether he is a rebel, a traitor, a spy, or an enemy in arms, he is to be held and punished according to the *laws of war*, for these have been substituted for the laws of peace."

CAUSE OF ARREST CANNOT BE SAFELY DISCLOSED.

It cannot be expected, when Government finds it necessary to make arrests for causes which exist during civil war, that the reasons for making such arrests should be at once made public; otherwise the purpose for which the arrest is made might be defeated. Thus, if a conspiracy has been formed to commit hostilities, and one conspirator is arrested, publishing the facts might

enable other co-conspirators to escape, and take advantage of their information. It may be necessary to make arrests on grounds justifying suspicion of hostile intentions, when it might be an act of injustice to the party suspected, if innocent, to publish the facts on which such suspicions were entertained; and if guilty, it might prevent the Government from obtaining proof against him, or preventing the hostile act. Under these circumstances, the safety of civil liberty must rest in the honesty, integrity, and responsibility of those who have been for the time clothed with the high powers of administering the Government.

ARRESTS TO PREVENT HOSTILITIES.

The best use of armies and of navies is not to punish criminals for offences against laws, but to prevent public enemies from committing future hostilities. Victory and conquest are not for revenge of wrongs, but for security of rights. Arch traitors and consummate villains are not those on whom the avenging sword is most apt to fall, but the dupes and victims of their crimes are those who oftenest bear the sharp catastrophes of battles.

We arrest and hold an enemy not to punish, but to restrain him from acts of hostility; we hang a spy not only to deter others from committing a similar offence, but chiefly to prevent his betraying us to the enemy.

We capture and destroy the property even of friends, if exposed in an enemy's country, not to injure those who wish us well, but to withdraw their property from liability to be used by our opponents.

In a defensive civil war, many, if not most, military operations have for their legitimate object the prevention of acts of hostility.

In case of foreign war, an act of Congress provides that to prevent hostilities by aliens they may be arrested.

In case of "Declared war between the United States and any foreign nation, or of any invasion or predatory incursion being attempted or threatened against any Territory of the United States by any foreign government, and the President shall make public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being males of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies."

"Power over this subject is given to the President, having due regard to treaty stipulations by the act of the sixth of July, 1798; and by this act the President was authorized to direct the confinement of aliens, although such confinement was not for the purpose of removing them from the United States, and means were conferred on him to enforce his orders, and it was not necessary that any judicial means should be called in to enforce the regulations of the President."

* *Lochington vs. Smith*, Peters C. C. Rep. 464.

Thus express power is given by statute to the President to make military arrests of innocent foreign-born persons under the circumstances above stated, for the purpose of preventing them from taking part in the contest.

While this ample authority is given to the Commander-in-Chief to arrest the persons of aliens residing here, as a precautionary measure, a far greater power over the persons of our own citizens is, for the same reason, given to the President in case of public danger.

RESTRAINT OF LIBERTY BY COMPULSORY MILITARY DUTY EXCEEDS TEMPORARY RESTRAINT BY ARREST.

To prevent hostilities in case of threatened danger, the President may call into service the army and navy of the United States, and the militia, and thereby subject vast numbers of citizens to military duty under all the severity of martial law, whereby they are required to act under restraints more severe, and to incur dangers more formidable than any mere arrest and detention in a safe place for a limited time.

The law of Congress (1795) provides that the army may be called into actual service not only in cases of actual invasion, but when there is danger of invasion. Such is the power of the President under the Constitution, as interpreted by the Supreme Court of the United States in the case of *Martin vs. Mott*, 12 *Wheaton R.* 28.

The President of the United States is the sole arbiter of the question whether such danger exists, and he alone can call into action the proper force to meet the danger.

He alone is the judge as to where the danger is, and he has a right to place his troops there, in whatever State or territory that danger is apprehended. He may issue orders to his army to take such military measures as may, in his judgment, be necessary for public safety; whether these measures require the destruction of public or private property, the arrest or capture of persons, or other speedy and effectual military operations, sanctioned by the laws of war.

Such are the principles settled in *Martin vs. Mott*,* and reaffirmed in *Luther vs. Borden*,† where, in a civil war in a State, the apprehension of danger, and the right to use military power to prevent it, and to restrain the public enemy, are held to justify the violation of rights of person and property, invariably held sacred and inviolable in time of peace.

MILITARY ARRESTS MADE BY ALL GOVERNMENTS IN CIVIL WAR.

Capture of prisoners, seizures of property, are, all over the world, among the familiar proceedings of belligerents. No existing government has ever hesitated, while civil war was raging, to make military arrests. Nor could warlike operations be successfully conducted without a frequent use of the power to take and restrain hostile persons. Such is the lesson taught by the history of England and France. While the laws

* 12 *Wheaton's Reports*, page 28.
† 8 *Howard's Reports*, page 1.

of war place in the hands of military commanders the power to capture, arrest, and imprison the army of the enemy, it would be unreasonable not to authorize them to capture a hostile individual, when his going at large would endanger the success of military operations. To carry on war with no right to seize and hold prisoners would be as impracticable as to carry on the administration of criminal law with no right to arrest and imprison culprits.

PECULIAR NECESSITIES OF CIVIL WAR.

In foreign wars, where the belligerents are separated by territorial boundaries, or by difference of language, there is little difficulty in distinguishing friend from foe. But in civil war, those who are now antagonists but yesterday walked in the same paths, gathered around the same fire-side, worshipped at the same altar; there is no means of separating friend from foe, except by the single test of loyalty, or hostility to the Government.

MARKS OF HOSTILITY.

It is a sentiment of hostility which in time of war seeks to overthrow the Government, to cripple its powers of self-defence, to destroy or depreciate its resources, to undermine confidence in its capacity or its integrity, to diminish, demoralize, or destroy its armies, to break down confidence in those who are intrusted with its military operations in the field.

He is a public enemy who seeks falsely to exalt the motives, character, and capacity of armed traitors, to magnify their resources, to encourage their efforts by sowing dissensions at home, and inviting intervention of foreign powers in our affairs, by overrating the success, increasing the confidence, and strengthening the hopes of our adversary, and by underrating, diminishing, and weakening our own, seeking false causes of complaint against our Government and its officers, sowing seeds of dissension and party spirit among ourselves, and by many other ways giving aid and comfort to the enemy—aid more valuable to them than many regiments of soldiers, or many millions of dollars.

All these ways and means of aiding a public enemy ought to be prevented or punished. But the connections between citizens residing in different sections of the country are so intimate, the divisions of opinion on political or military questions are so numerous, the balance of affection, of interest, and of loyalty is so nice in many instances, that civil war, like that which darkens the United States, is fraught with peculiar dangers, requires unusual precautions, and warrants and demands the most thorough and unhesitating measures for preventing acts of hostility, and for the security of public safety.

WHO OUGHT AND WHO OUGHT NOT TO BE ARRESTED.

All persons who *act* as public enemies, and all who by word or deed give reasonable cause to believe that they *intend* to act as such, may lawfully be arrested and detained by military au-

thority for the purpose of preventing the consequences of their acts.

No person in loyal States can rightfully be captured or detained unless he has engaged, or there is reasonable cause to believe he intends to engage, in acts of hostility to the United States—that is to say, in acts which may tend to impede or embarrass the United States in such military proceedings as the Commander-in-Chief may see fit to institute.

INSTANCES OF ACTS OF HOSTILITY.

Among hostile proceedings, in addition to those already suggested, and which justify military arrests, may be mentioned contraband trade with hostile districts, or commercial intercourse with them, forbidden by statutes or by military orders;* aiding the enemy by furnishing them with information which may be useful to them; correspondence with foreign authorities with a view to impede or unfavorably affect the negotiations or interests of the Government;† enticing soldiers or sailors to desertion; prevention of enlistments; obstruction to officers whose duty it is to ascertain the names of persons liable to do military duty, and to enrol them; resistance to the draft, to the organization or to the movements of soldiers; aiding or assisting persons to escape from their military duty, by concealing them in the country or transporting them away from it.

NECESSITY OF POWER TO ARREST THOSE WHO RESIST THE DRAFT.

The creation and organization of an army is the foundation of all power to suppress rebellion or repel invasion, to execute the laws, and to support the Constitution when they are assailed.

Without the power to capture or arrest those who oppose the draft, no army can be raised. The necessity of such arrests is recognized by Congress in the seventy-fifth chapter of the Act of March third, 1863, for "*enrolling the forces of the United States, and for other purposes*," which provides for the arrest and punishment of those who oppose the draft. This provision is an essential part of the general system for raising an army embodied in that statute.

Those citizens who are secretly hostile to the Union may attempt to prevent the board of enrolment from proceeding with the draft, or may refuse, when drafted, to enter the service.

Military power is called on to aid the proceedings by which the army is created. If the judiciary only is relied on, then raising the army must depend at last on the physical force which the judiciary can bring forward to enforce its mandates; and so, if the *posse comitatus* is not able to overpower those opposed to draft, the draft cannot be made according to law. If the draft is generally resisted in any locality, as it may be, no draft can be made, no law enforced, except mob law and lynch law, unless military power is lawfully applied to arrest the criminals.

* See acts June 18, 1861; May 30, 1862; and March 22, 1863.

† See act February 12, 1863, ch. 60.

If the power to raise an army is denied, the Government will be broken down; and because we are too anxious to secure the supposed rights of certain individuals, all our rights will be trampled under foot.

TERRITORIAL EXTENT OF MARTIAL AND MILITARY LAW.

It is said that martial law must be confined to the immediate field of action of the contending armies, while in other and remote districts the martial law is not in force. Let us see the difficulty of this view.

Is martial law to be enforced only where the movements of our enemy may carry it?

Do we lose our military control of a district when the enemy have passed through and beyond it?

Is there no martial law between the base of operations of our army and the enemy's lines, even though it be a thousand miles from one to the other?

Must there be two armies close to each other to introduce martial law?

Is it not enough that there is one army in a locality to enforce the law?

If a regiment is encamped, is there not within its lines martial law?

If a single file of soldiers is present under a commanding officer, is it not the same?

Where must the enemy be to authorize martial law?

Suppose the enemy is an army, a regiment, or a single man, yet, be the number of persons more or less, it is still the enemy.

Who is the enemy? Whoever makes war.

Who makes war? Whoever aids and comforts the enemy. He commits treason. He makes war.

A raid into a Northern State with arms, is no more an act of hostility than a conspiracy to aid the enemy in the Northern States by Northern men.

All drafts of soldiers are made in places remote from the field of conflict. If no arrest can be made there, then the formation of the army can be prevented.

Can a spy be arrested by martial law? Formerly there was no law of the United States against spies outside of camps. There was nothing but martial law against them. A spy from the rebel army, no one could doubt, should be arrested. Why should not a spy from the Northern States be arrested?

Thus it is obvious that the President, if deprived of the power to seize or capture the enemy, wherever they may be found, whether remote from the field of hostilities or near it, cannot effectually suppress the rebellion.

Where is the limit to which the military power of the commander of the army must be confined in making war upon the enemy? Wherever military operations are actually extended, there is martial law.

Whenever a person is helping the enemy, then he may be taken as an enemy; whenever a cap-

ture is made, there war is going on, there martial law is inaugurated, so far as that capture is concerned.

Stonewall Jackson, it is said, visited Baltimore a few months since in disguise. While there, it is not known that he committed any breach of the laws of Maryland or of the United States. Could he not have been captured, if he had been caught, by the order of the President? If captured, could the State court of Maryland have ordered him to be surrendered to its judge, and so turned loose again?

HABEAS CORPUS.

The military or executive power to prevent prisoners of war from being subject to discharge by civil tribunals, or, in other words, the power to suspend, as to these prisoners, the privilege of *habeas corpus*, is an essential means of suppressing the rebellion and providing for the public safety, and is therefore, by necessary implication, conferred by the Constitution on that department of government to which belongs the duty of suppressing rebellion by force of arms in time of war. In times of civil war or rebellion, it is the duty of the President to call out the army and navy to suppress it. To use the army effectually for that purpose, it is essential that the commanders should have the power of retaining in their control all persons captured and held in prison.

It must be presumed that the powers necessary to execute the duties of the President are conferred on him by the Constitution. Hence he must have the power to hold whatever persons he has a right to capture, without interference of courts, during the war, and he has the right to capture all persons who he has reasonable cause to believe are hostile to the Union, and are engaged in hostile acts. The power is to be exercised in emergencies. It is to be used suddenly. The facts on which public safety, in time of civil war, depends, can be known only to the military men, and not to the legislatures, in any special case. To pass a law as to each prisoner's case, whenever public safety required the privilege of the writ to be suspended, would be impracticable.

Shall there be no power to suspend the writ as to any single person in all the Northern States, unless Congress pass a law depriving all persons of that privilege?

Oftentimes the exposure of the facts and circumstances requiring the suspension in one case would be injurious to the public service, by betraying our secrets to the enemy. Few acts of hostility are more dangerous to public safety; none require a more severe treatment, either to prevent or to punish it, than any attempt to interfere with the formation of the army, by preventing enlistments, by procuring desertions, or by aiding and assisting persons liable to do military duty in escaping from the performance of it. Military arrest and confinement in prison during the war, is but a light punishment for a crime which, if successful, would place the country in the power of its enemies, and sacrifice the lives

of soldiers now in the field for want of support. Whoever breaks up the fountain-head of the army, strikes at the heart of the country.

All those proceedings which tend to break down the army when in the field, or to prevent or impede any step necessary to be taken to collect and organize it, are acts of hostility to the country, and tend directly to impede the military operations, on which the preservation of the government now, in time of war, depends. All persons who commit such acts of hostility are liable to military arrest and detention; and if they are at the same time liable to be proceeded against for violation of municipal laws, that liability cannot shelter them from responsibility to be treated as public enemies, arrested and detained, so as to prevent them from perpetrating any act of hostility.

In determining the character of acts in the Free States committed by persons known to be opposed to the war, it must be borne in mind that those who, in the loyal States, aid and comfort the enemy, are partakers in the crime of rebellion as essentially as if present with rebel armies. They are in law *particeps criminis*. Though their overt acts, taken alone and without connection with the rebellion, might not amount to treason, or to any crime, yet, under the circumstances, many of these acts, otherwise innocent, become dangerous, injurious, and criminal.

A person who, by his mere presence, lends support and gives confidence to a murderer while perpetrating his foul crime, is sharer in that crime, whether he is, at the time of the murder, in actual presence of his victim, or stands off at a distance, and is ready to warn the cut-throat of the approach of danger. Such was the rule administered in the trial of Knapp for murdering a citizen of Massachusetts. This is familiar law. What difference does it make whether the conspirator is near or far away from his associates—whether he is in a Slave or a Free State? The real question is, whether the person accused has given, or means to give aid or comfort to the enemy of his country, whether near by or far off; if so, then he is an enemy, and may be captured on the door-steps of the court-house, or even on the bench itself.

CONSTITUTIONALITY OF THE ENROLMENT ACT OF MARCH 3, 1863.

No power to arrest or detain prisoners can be conferred upon the President or his provost-marshal by an act of Congress which is void for being unconstitutional. No person can be civilly or criminally liable to imprisonment for violation of a void statute. Hence the question may arise whether the Enrolment Act is a legitimate exercise by Congress of powers conferred upon it by the Constitution.

That Congress has full power to pass the Enrolment Act is beyond reasonable doubt, as will be apparent from the following references:*

The Constitution, article 1, section 8, clause 12,

and proper for carrying into effect the foregoing powers and all other powers vested by this Congress to Congress the power "to raise and support armies."

It must be observed that the *Constitution* recognizes a clear distinction between the "*army of the United States*" and the "*militia*" of the several States, even when called into actual service. Thus, by article 2, section 2, clause 1, "The President shall be Commander-in-Chief of the *army* and navy of the United States, and of the *militia* of the several States, when called into actual service of the United States."

By article 1, section 8, clause 15, "Congress shall have power to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions."

By article 1, section 8, clause 16, Congress shall have power "to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

In addition to these powers of Congress to call into the service of the Union the militia of the States by requisitions upon the respective governors thereof, the Constitution confers upon Congress another distinct, independent power, by article 1, section 8, clause 12, which provides "That Congress shall have power to raise and support armies; but no appropriation for that use shall be for a longer term than two years."

By article 1, section 8, clause 14, Congress shall have power to make rules for the government and regulation of the land and naval forces.

The statutes of 1795, and other recent acts of 1861 and 1862, authorizing the enlistment of volunteers, were mainly founded on the power to receive militia of the States into the service of the Union, and troops were raised principally through the agency of governors of States.

But the Enrolment Act of 1863 is an exercise of power conferred upon Congress, to "raise and support armies," and not of the power to call out the militia of the States. Neither the governors nor other State authorities have any official functions to perform in relation to this act, nor any right to interfere with it. It is an act of the United States, to be administered by United States officers, applicable to citizens of the United States in the same way as all other national laws.

The confounding of these separate powers of Congress and the rights and proceedings derived from them has been a prolific source of error and misapprehension.

Article 1, section 8, clause 13, gives Congress power "to make rules for the government and regulation of the land and naval forces."

Article 1, section 8, clause 18, gives Congress power "to pass all laws which shall be necessary

* So decided in several cases, since 1862.

stitution in the Government or in any *department or officer thereof*."

RULES OF INTERPRETATION AND THEIR APPLICATION
TO THIS ACT.

The Constitution provides that Congress shall have power to pass "all laws necessary and proper" for carrying into execution all the powers granted to the government of the United States, or any department or officer thereof. The word "necessary," as used, is not limited by the additional word "proper," but enlarged thereby.

"If the word *necessary* were used in the strict, rigorous sense, it would be an extraordinary departure from the usual course of the human mind, as exhibited in solemn instruments, to add another word, the only possible effect of which is to qualify that strict and rigorous meaning, and to present clearly the idea of a choice of means in the course of legislation. If no means are to be resorted to but such as are *indispensably* necessary, there can be neither sense nor utility in adding the word '*proper*,' for the *indispensable necessity* would shut out from view all consideration of the *propriety* of the means."

Alexander Hamilton says:

"The authorities essential to the care of the common defence are these: To raise armies; to build and equip fleets; to prescribe rules for the government of both; to direct their operations; to provide for their support. These powers ought to exist without limitation, because it is impossible to foresee or to define the extent and variety of national exigencies, and the correspondent extent and variety of the means necessary to satisfy them. The circumstances which endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed. . . . This power ought to be under the direction of the same councils which are appointed to preside over the *common defence*. . . . It must be admitted, as a necessary consequence, that there can be no limitation of that authority which is to provide for the defence and protection of the community in any matter essential to its efficacy—that is, in any matter essential to the *formation, direction, or support* of the NATIONAL FORCES."

This statement, Hamilton says:

"Rests upon two axioms, simple as they are universal: the *means* ought to be proportioned to the *end*; the persons from whose agency the attainment of the *end* is expected ought to possess the *means* by which it is to be attained."

The doctrine of the Supreme Court of the United States, announced by Chief-Justice Marshall, and approved by Daniel Webster, Chancellor Kent, and Judge Story, is thus stated:

"The Government of the United States is one of enumerated powers, and it can exercise only the powers granted to it; but though limited in

its powers, it is supreme within its sphere of action. It is the Government of the people of the United States, and emanated from them. Its powers were delegated by all, and it represents all, and acts for all.

"There is nothing in the Constitution which excludes *incidental* or *implied* powers. The articles of confederation gave nothing to the United States but what was expressly granted; but the new Constitution dropped the word *expressly*, and left the question whether a particular power was granted to depend on a fair construction of the whole instrument. No constitution can contain an accurate detail of all the subdivisions of its powers, and all the *means* by which they might be carried into execution. It would render it too prolix. Its nature requires that only the great outlines should be marked, and its important objects designated, and all the minor ingredients left to be deduced from the nature of those objects. The sword and the purse, all the external relations, and no inconsiderable portion of the industry of the nation, were intrusted to the general Government; and a government intrusted with such ample powers, on the due execution of which the happiness and prosperity of the people vitally depended, must also be intrusted with *ample means of their execution*. Unless the words imperiously require it, we ought not to adopt a construction which would impute to the framers of the Constitution, when granting great powers for the public good, the intention of impeding their exercise by withholding a *choice of means*. The powers given to the Government imply the ordinary means of execution; and the Government, in all sound reason and fair interpretation, must have the choice of the means which it deems the most convenient and appropriate to the execution of the power. The Constitution has not left the right of Congress to employ the necessary means for the execution of its powers to general reasoning. Art. 1, sect. 8, of the Constitution expressly confers on Congress the power 'to make all laws that may be necessary and proper to carry into execution the foregoing powers.'

"Congress may employ such means and pass such laws as it may deem necessary to carry into execution great powers granted by the Constitution; and *necessary* means, in the sense of the Constitution, does not import an absolute physical necessity so strong that one thing cannot exist without the other. It stands for any means calculated to produce the end. The word *necessary* admits of all degrees of comparison. A thing may be necessary, or very necessary, or absolutely or indispensably necessary. The word is used in various senses, and in its construction the subject, the context, the intention, are all to be taken into view. The powers of the Government were given for the welfare of the nation. They were intended to endure for ages to come, and to be adapted to the various *crises* in human

affairs. To prescribe the specific means by which Government should in all future time execute its power, and to confine the choice of means to such narrow limits as should not leave it in the power of Congress to adopt any which might be appropriate and conducive to the end, would be most unwise and pernicious, because it would be an attempt to provide, by immutable rules, for exigencies which, if foreseen at all, must have been foreseen dimly, and would deprive the legislature of the capacity to avail itself of experience, or to exercise its reason, and accommodate its legislation to circumstances. If the end be legitimate, and within the scope of the Constitution, all means which are appropriate, and plainly adapted to this end, and which are not prohibited by the Constitution, are lawful."*

Under the power of Congress to pass all laws necessary and proper to raise and support armies the only question is, whether the act of Congress is "plainly adapted to the end proposed," namely, "to raise an army." If it is a usual mode of raising an army to enrol and draft citizens, or, if unusual, it is *one appropriate mode* by which the end may be accomplished, it is within the power of Congress to pass the law. Congress, having the power to raise an army, has an unlimited choice of "means" appropriate for carrying that power into execution.

In a republic, the country has a right to the military service of every citizen and subject. The government is a government of the people, and for the safety of the people. No man who enjoys its protection can lawfully escape his share of public burdens and duties. *Public safety and welfare* in time of war depend wholly upon the success of *military* operations. Whatever stands in the way of military success must be sacrificed, else all is lost. The triumph of arms is the *tabula in naufragio*, the last plank in the shipwreck, on which alone our chance of national life depends. Hence, in the struggle of a great people for *existence*, private rights, though not to be disregarded, become comparatively insignificant, and are held subject to the paramount rights of the community. The life of the nation must be preserved at all hazards, and the Constitution must not, without imperative necessity, be so construed as to deprive the people of the amplest means of self-defence.

Every attempt to fetter the power of Congress in calling into the field the military forces of the country in time of war is only a denial of the people's right to fight in *their own defence*.

If a foreign enemy were now to invade the country, who would dare to cavil at the forms of statutes whereby the people sought to organize the army to repel the invader? It must not be forgotten that Congress has the same power to-day to raise and organize armies to suppress re-

billion that would belong to it if the Union were called upon to meet the world in arms.

INDEMNITY TO PERSONS ARRESTED.

Persons who reside in a country engaged in active hostilities, and who so conduct themselves as to give reasonable cause to believe that they are aiding and comforting a public enemy, or that they are participating in any of those proceedings which tend to embarrass military operations, may be arrested; and if such persons shall be arrested and imprisoned for the purpose of punishing or preventing such acts of hostility, they are not entitled to claim indemnity for the injury to themselves or to their property, suffered by reason of such arrest and imprisonment.

If the persons so arrested be subjects of a foreign government, they cannot lawfully claim indemnity, because their own hostile conduct, while it has deprived them of the shelter of "neutrality," has subjected them to penalties for having violated the laws of war.

If a foreigner join the rebels, he exposes himself to the treatment of rebels. He can claim of this Government no indemnity for wounds received in battle, or for loss of time or suffering by being captured and imprisoned. It can make no difference whether his acts of hostility to the United States are committed in open contest under a rebel flag, or in the loyal States, where his enmity is most dangerous. If it be said that he has violated no municipal law, and therefore ought not to be deprived of liberty without indemnity, it must be remembered that if he has violated any of the laws of war he may have thereby committed an offence more dangerous to the country and more destructive in its consequences than any crime defined in statutes.

If a person, detained in custody in consequence of having violated the laws of war and for the purpose of preventing hostilities, be liberated from confinement without having been indicted by a grand jury, it does not follow therefrom that he has committed no crime. He may have been guilty of grave offences, while the Government may not have deemed it necessary to prosecute him. Clemency and forbearance are not a just foundation for a claim of indemnity. An offender may not have been indicted, because the crime committed, being purely a military crime, or crime against martial law, may not have come within the jurisdiction of civil tribunals.

In such a case, the arrest and imprisonment, founded on martial law, justified by military necessity, cannot be adjudicated by civil tribunals.

If the person so arrested be the subject of a foreign power, and claims exemption from arrest and custody for that reason, he can have no right to indemnity under any circumstances, by reason of being an alien, until such fact of alienage is made known to the Government. His claim to indemnity thereafter will depend on a just application of the principles already stated,

* On the interpretation of constitutional power, see 1 Kent's Com. 351, 352, *McCulloch v. The State of Maryland*, 4 Wheat. R. 418-420.

THE RE-CONSTRUCTION OF THE UNION.

LETTER TO THE UNION LEAGUE OF PHILADELPHIA.

GENTLEMEN: Your letter has been received, requesting me to address the members of the Union League of Philadelphia upon subjects connected with the present state of public affairs.

I have expected, until recently, to be able to comply with your invitation; but as my engagements will, for the present, place it out of my power to do so, I beg permission to make a few suggestions for your consideration upon the dangers of the country in the present crisis of public affairs.

TWOFOOLD WAR.

However brilliant the success of our military operations has been, the country is encompassed by dangers. Two wars are still waged between the citizens of the United States—a war of Arms and a war of Ideas. Achievements in the field cannot much outstrip our moral victories. While we fix our attention upon the checkered fortunes of our heroic soldiers, and trace their marches over hills and valleys made memorable through all time by their disasters or their triumphs; while we are agitated by hope and fear, by exultation and disappointment; while our brothers and sons rush joyfully to the post of danger and of honor, although the mourning weeds of the mother and sister record in the family the tearful glory of the fallen brave; while the movements of our vast armies, in all the "pride, pomp, and circumstance of glorious war," are watched with intense solicitude, let us not forget that there is another war, waged by men not less brave, for victories not less renowned than those which are won on battle-fields.

The deadliest struggle is between Civilization and Barbarism, Freedom and Slavery, Republicanism and Aristocracy, Loyalty and Treason.

The true patriot will watch with profound interest the fortunes of this intellectual and moral conflict, because the issue involves the country's safety, prosperity, and honor. If victory shall crown the efforts of those brave men who believe and trust in God, then shall all this bloody sacrifice be consecrated, and years of suffering shall exalt us among the nations; if we fail, no triumph of brute force can compensate the world for our unfathomable degradation.

Let us then endeavor to appreciate the difficulties of our present position.

BREAKERS AHEAD.

Of several subjects, to which, were it now in my power, I would ask your earnest attention, I can speak of one only.

As the success of the Union cause shall become more certain and apparent to the enemy in various localities, they will lay down arms and cease fighting.

Their bitter and deep-rooted hatred of the Government, and of all Northern men who are not traitors, and of all Southern men who are loyal, will still remain interwoven in every fibre of their

hearts, and will be made, if possible, more intense by the humiliation of conquest and subjection. The foot of the conqueror planted upon their proud necks will not sweeten their tempers, and their defiant and treacherous nature will seek to revenge itself in murders, assassinations, and all underhand methods of venting a spite which they dare not manifest by open war, and in driving out of their borders all loyal men. To suppose that a Union sentiment will remain in any considerable number of men, among a people who have strained every nerve and made every sacrifice to destroy the Union, indicates dishonesty, insanity, or feebleness of intellect.

The slaveholding inhabitants of the conquered districts will begin by claiming the right to exercise the powers of government, and, under their construction of State rights, to get control of the lands, personal property, slaves, free blacks, and poor whites, and a legalized power, through the instrumentality of State laws, made to answer their own purposes, to oppose and prevent the execution of the Constitution and laws of the United States, within the districts of country inhabited by them.

Thus, for instance, when South-Carolina shall have ceased fighting, she will say to the President: "We have now laid down our arms; we submit to the authority of the United States Government. You may restore your custom-houses, your courts of justice, and if we hold any public property, we give it up; we now have chosen senators and representatives to Congress, and demand their admission, and the full establishment of all our State rights and our restoration to all our former privileges and immunities as citizens of the United States."

This demand is made by men who are traitors in heart; men who hate and despise the Union; men who never had a patriotic sentiment; men who, if they could, would hang every friend of the Government. But, for the sake of getting power into their own hands by our concession, which they could not obtain by fighting, and, for the sake of avoiding the penalty of their national crimes, they will demand restoration to the Union under the guise of claiming State rights.

CONSEQUENCES OF BEING OUTWITTED BY REBELS.

What will be the consequence of yielding to this demand?

Our public enemy will gain the right of managing their affairs according to their will and pleasure, and not according to the will and pleasure of the people of the United States.

They will be enabled, by the intervention of their State laws and State courts, to put and maintain themselves in effectual and perpetual opposition to the laws and Constitution of the United States, as they have done for thirty-five years past. They will have the power to pass such local laws as will effectually exclude from the slave States all Northern men, all soldiers, all free blacks, and all persons and things which shall be inconsistent with the theory of making slavery the corner-stone of their local government; and

they may make slavery perpetual, in violation of the laws of the United States and proclamations of the President. They may continue the enforcement of those classes of laws against free speech and freedom of the press, which will for ever exclude popular education, and all other means of moral, social, and political advancement. They may send back to Congress the same traitors and conspirators who have once betrayed the country into civil war, and who will thwart and embarrass all measures tending to restore the Union by harmonizing the interests and the institutions of the people, and so, being introduced into camp, as the wooden horse into Troy, they will gain by fraud and treason that which they could not achieve by feats of arms. The insanity of State rights doctrines will be nourished and strengthened by admitting back a conquered people as our equals, and its baleful influences cannot be estimated!

To satisfy *them*, the solemn pledge of freedom offered to colored citizens by Congress and by the Proclamation, must be broken, and the country and the Government must be covered with unspeakable infamy, so that even foreign nations might then justly consider us guilty of treachery to the cause of civilization and of humanity.

Suppose, to-day, the rebellion quelled, and the question put: Will you give to your enemy the power of making your laws?

Eastern Virginia, Florida, and Louisiana are now knocking at the door of Congress for admission into the Union. Men come to Washington, chosen to office by a handful of associates; elevated, by revolution, to unaccustomed dignity; representing themselves as Union men, and earnest to have State rights bestowed on their constituents.

If their constituents are clothed with the power to constitute a State, into whose hands will that power fall?

Beware of committing yourselves to the fatal doctrine of recognizing the existence in the Union of States which have been declared by the President's Proclamation to be in rebellion. For, by this new device of the enemy, this new version of the poisonous State rights doctrine, the secessionists will be able to get back by fraud what they failed to get by fighting. Do not permit them, without proper safeguards, to resume in your counsels in the Senate and in the House the power which their treason has stripped from them.

Do not allow old States, with their constitutions still unaltered, to resume State powers.

Be true to the Union men of the South, not to the designing politicians of the Border States. The rebellious States contain ten times as many traitors as loyal men. The traitors will have a vast majority of the votes. Clothed with State rights under our Constitution, they will crush every Union man by the irresistible power of their legislation. If you would be true to the Union men of the South, you must not bind them hand and foot, and deliver them over to their bitterest enemies.

STATE RIGHTS IN CIVIL WAR.

Beware of entangling yourselves with the technical doctrine of forfeitures of State rights, as such doctrines admit, by necessary implication, the operation of a code of laws, and of corresponding civil rights, the existence of which you deny.

To preserve the Union, requires the enforcement against public enemies of our belligerent rights of civil war.

ATTITUDE OF THE GOVERNMENT IN THE BEGINNING OF THE WAR TOWARD THE REBELS, AND TOWARD LOYAL MEN IN REBEL DISTRICTS.

When the insurrection commenced by illegal acts of secession, and by certain exhibitions of force against the Government, in distant parts of the country, it was supposed that the insurgents might be quelled, and peace might be restored, without requiring a large military force, and without involving those who did not actively participate in overt acts of treason.

Hence the Government, relying upon the patriotism of the people and confident in its strength, exhibited a generous forbearance toward the insurrection.

When, at last, seventy-five thousand of the militia were called out, the President, still relying upon the Union sentiment of the South, announced his intention not to interfere with loyal men, but, on the contrary, to regard their rights as still under the protection of the Constitution. The action of Congress was in accordance with this policy. The war waged by this Government was then a personal war, a war against rebels: a war prosecuted in the hope and belief that the body of the people were still friendly to the Union, who, temporarily overborne, would soon right themselves by the aid of the army. Hence Congress declared, and the President proclaimed, that it was not their object to injure loyal men, or to interfere with their rights or their domestic institutions.

THE PROGRESS OF EVENTS CHANGED THE CHARACTER OF THE WAR, AND REQUIRED THE USE OF MORE EFFECTIVE WAR POWERS.

This position of the Government toward the rebellious States was forbearing, magnanimous, and just while the citizens thereof were generally loyal. But the revolution swept onward. The entire circle of the Southern States abandoned the Union, and carried with them all the Border States within their influence or control.

Having set up a new government for themselves; having declared war against us; having sought foreign aid; having passed acts of non-intercourse; having seized public property, and made attempts to invade States which refused to serve their cause; having raised and maintained large armies and an incipient navy; assuming, in all respects, to act as an independent, hostile nation, at war with the United States—claiming belligerent rights as an independent people alone could claim them, and offering to enter into treaties of alliance with foreign countries and treaties

of peace with ours—under these circumstances they were no longer merely insurgents and rebels, but became a belligerent public enemy. The war was no longer against "certain persons" in the rebellious States. It became a territorial war; that is to say, a war by all persons situated in the belligerent territory against the United States.

CONSEQUENCES RESULTING FROM CIVIL TERRITORIAL WAR.

If we were in a war with England, every Englishman would become a public enemy, irrespective of his personal feeling toward us. However friendly he might be toward America, his ships on the sea would be liable to capture, himself would be liable to be killed in battle, or his property, situated in this country, would be subject to confiscation.

By a similar rule of the law of nations, whenever two nations are at war, every subject of one belligerent nation is a public enemy of the other.

An individual may be a personal friend and at the same time a public enemy to the United States. The law of war defines international relations.

When the civil war in America became a territorial war, every citizen residing in the belligerent districts became a public enemy, irrespective of his private sentiments, whether loyal or disloyal, friendly or hostile, Unionist or secessionist, guilty or innocent.

As public enemies, the belligerents have claimed to be exchanged as prisoners of war, instead of admitting our right to hang them as murderers and pirates. As public enemies, they claim the right to make war upon us, in plain violation of many of the obligations they would have admitted if they acknowledged the obligations or claimed the protection of our Constitution.

If they had claimed any State rights, under our Constitution, they would not have violated every one of the provisions thereof limiting the powers of States. Asserting no such rights, they claim immunity from all obligations as States, or as a people, to this Government or to the United States.

WHEN DID THE REBELLION BECOME A TERRITORIAL WAR?

This question has been settled by the Supreme Court of the United States, in the case of the *Hiawatha*, decided on the ninth of March, 1863. In that case, which should be read and studied by every citizen of the Union, the members of the court differed in opinion as to the time when the war became territorial. The majority decided that, when the fact of general hostilities existed, the war was territorial, and the Supreme Court was bound to take judicial cognizance thereof. The minority argued that, as Congress alone had power to declare war, so Congress alone has power to recognize the existence of war; and they contended that it was not until the act of Congress of July thirteenth, 1861,

commonly called the Non-intercourse Act, that a state of civil, territorial war was legitimately recognized. All the judges agree in the position "that since July thirteenth, 1861, there has existed between the United States and the confederate States civil, territorial war."

WHAT ARE THE RIGHTS OF THE PUBLIC ENEMY SINCE THE REBELLION BECAME A TERRITORIAL CIVIL WAR?

The Supreme Court have decided, in the case above named, in effect: "That since that time

* If this decision be restricted to its most technical and narrow limits, the only point actually decided was, that the captured vessels and cargoes were lawful prize. The parties before the court are alone bound by the judgment. Viewed in like manner, the only point decided in the case of *Dred Scott* was, that the court had no jurisdiction of the matter. Nevertheless, learned judges have taken occasion to express opinions upon legal or political questions. Their opinions are of great importance, not because they are or are not *technical decisions* of points in issue, but because they record the deliberate judgment of those to whom the same questions will be referred for final determination. The judge who has pronounced an extra-judicial opinion, and has placed it upon the records of the court, is not, it may be said, bound to follow it; but it is equally true that the court is never bound to follow its previous most solemn "*decisions*." These decisions may be, and often have been, modified, overruled, or disregarded by the same court which pronounced them. If the members of a judicial tribunal, though differing upon minor questions, agree upon certain fundamental propositions, it is worse than useless to deny that these propositions, even though not "*technically decided*," have the *authoritative sanction of the court*. The unanimous agreement of all the members of a judicial court to certain principles affords to the community as satisfactory evidence of their views of the law as could be derived from a decision in which these principles were technically the points in controversy. It is for these reasons that it has been stated in qualified language "that the Supreme Court have *decided in effect*" the propositions as stated.

To show wherein all the judges agree, the following extracts are collected from the Decision and from the Dissenting Opinion.

EXTRACTS FROM THE OPINION OF THE COURT.

"As a civil war is never publicly proclaimed *eo nomine*, against insurgents, its *actual existence* is a fact in our domestic history, which the Court is bound to notice and to know. The true test of its existence, as found in the writings of the sages of the common law, may be thus summarily stated: 'When the course of justice is interrupted by revolt, rebellion, or insurrection, so that the courts of justice cannot be kept open, civil war exists, and hostilities may be prosecuted on the same footing as if those opposing the Government were foreign enemies invading the land.' See 2 Black, R. 667, 668.

"They (foreign nations) cannot ask a court to affect a technical ignorance of the existence of a war, which all the world acknowledges to be the greatest civil war in the history of the human race, and thus cripple the arm of the Government, and paralyze its powers by *subtle definitions and ingenious sophisms*. The law of nations is also called the law of nature. It is founded on the common sense as well as the common consent of the world. It contains no such *anomalous doctrine*, as that which this Court is now, for the first time, desired to pronounce, to wit, 'that insurgents, who have risen in rebellion against their sovereign, expelled her courts, established a revolutionary government, organized armies, and commenced hostilities, are not *enemies*, because they are *traitors*; and a war levied on the government by traitors, in order to dismember and destroy it, is not a war because it is an "insurrection."

"Whether the President, in fulfilling his duties as Commander-in-Chief in suppressing an insurrection, has met with such armed hostile resistance, and a civil war of such alarming proportions, as will compel him to *accord to them the character of belligerents*, is a question to be decided by him, and this Court must be governed by the decision and acts of the political department of the government to which this power was intrusted. He must determine what degree of force the crisis demands." The proclamation of blockade is of itself official and conclusive evidence to the Court that a state of war existed, which demanded and authorized a recourse to such a measure, under the circumstances peculiar to the case.

"The right of one belligerent, not only to coerce the other by direct force, but also to cripple his resources by the seizure or destruction of his property, is a necessary result of a state of war. Money and wealth, the products of agriculture and commerce, are said to be the sinews of war, and as necessary

the United States have full belligerent rights against all persons residing in the districts declared by the President's Proclamation to be in rebellion."

That the laws of war, "whether that war be civil or inter gentes, converts every citizen of the hostile State into a public enemy, and treats him accordingly, whatever may have been his previous conduct."

That all the rights derived from the laws of war may now, since 1861, be lawfully and constitutionally exercised against all the citizens of the districts in rebellion.

RIGHTS OF REBELS AS PERSONS, AS CITIZENS OF STATES, AND AS SUBJECTS OF THE UNITED STATES, ARE, ACCORDING TO THE CONSTITUTION, TO BE SETTLED BY THE LAWS OF WAR.

Such being the law of the land, as declared by the Supreme Court, in order to ascertain what are the legal or constitutional rights of public

in its conduct as numbers and physical force. Hence it is that the laws of war recognize the right of a belligerent to cut these sinews of the power of the enemy by capturing his property on the high seas." Page 671.

CONFISCATION.

"All persons residing within this territory, (seceded States,) whose property may be used to increase the revenues of the hostile power, are, in this contest, liable to be treated as enemies, though not foreigners. They have cast off their allegiance, and made war on their Government, and are none the less enemies because they are traitors." Opinion, page 674.

EXTRACTS FROM THE DISSENTING OPINION.

"A contest by force between independent sovereign States is called a public war; and when duly commenced, by proclamation or otherwise, it entitles both of the belligerent parties to all the rights of war against each other, and as respects neutral nations." Pages 656, 657.

"The legal consequences resulting from a state of war between two countries, at this day, are well understood, and will be found described in every approved work on the subject of international law."

"The people of the two countries immediately become the enemies of each other, etc. All the property of the people of the two countries, on land or sea, are subject to capture and confiscation by the adverse party as enemies' property, with certain qualifications as it respects property on land. (Brown vs. U. S., 8 Cranch, 110.) All treaties between the belligerent parties are annulled." Page 677.

"This great and pervading change in the existing condition of a country, and in the relation of all her citizens or subjects, external or internal, is the immediate effect and result of a state of war." Page 688.

"In the case of a rebellion, or resistance of a portion of the people of a country, against the established government, there is no doubt, if, in its progress and enlargement, the government thus sought to be overthrown, sees fit, it may, by the competent power, recognize or declare the existence of a state of civil war, which will draw after it all the consequences and rights of war, between the contending parties, as in the case of a public war. Mr. Wheaton observes, speaking of civil war: "But the general usage of nations regards such a war as entitling both the contending parties to all the rights of war, as against each other, and even as respects neutral nations." Page 648.

"Before this insurrection against the established Government can be dealt with on the footing of a civil war, within the meaning of the law of nations and the Constitution of the United States, and which will draw after it belligerent rights, it must be recognized or declared by the war-making power of the Government. No power short of this can change the legal status of the Government, or the relations of its citizens from that of peace to a state of war, or bring into existence all those duties and obligations of neutral third parties growing out of a state of war. The war power of the Government must be exercised before this changed condition of the Government and people and of neutral third parties can be admitted. There is no difference in this respect between a civil or a public war." Page 689.

"It must be a war in a legal sense (in the sense of the law of nations, and of the Constitution of the United States) to attach to it all the consequences that belong to belligerent rights. In-

enemies, we have only to refer to the settled principles of the belligerent law of nations or the laws of war.

Some of the laws of war are stated in both the Opinions in the case above mentioned. A state of foreign war instantly annuls the most solemn treaties between nations. It terminates all obligations in the nature of compacts or contracts, at the option of the party obligated thereby. It destroys all claims of one belligerent upon the other, except those which may be sanctioned by a treaty of peace. A civil territorial war has the same effect, excepting only that the sovereign may treat the rebels as subjects as well as belligerents. Hence civil war, in which the belligerents have become territorial enemies, instantly annuls all rights or claims of public enemies against the United States, under the Constitution or laws, whether that Constitution be called a compact, a treaty, or a covenant, and whether the

stead, therefore, of inquiring after armies and navies, and victories lost and won, or organized rebellion against the general Government, the inquiry should be into the law of nations, and into the municipal and fundamental laws of the Government. For we find there, that to constitute a civil war, in the sense in which we are speaking, before it can exist in contemplation of law, it must be recognized or declared by the sovereign power of the State; and which sovereign power, by our Constitution, is lodged in the Congress of the United States. Civil war therefore, under our system of government, can exist only by an act of Congress, which requires the assent of two of the great departments of the Government, the Executive and the Legislative." Page 690.

"The laws of war, whether the war be civil or inter gentes, as we have seen, convert every citizen of the hostile State into a public enemy, and treat him accordingly, whatever may have been his previous conduct."

"Congress alone can determine whether war exists or should be declared. And until they have so acted, no citizen of the State can be punished in his person or property unless he has committed some offence against a law of Congress, passed before the act was committed, which made it a crime and defined the punishment. Until then, the penalty of confiscation for the acts of others with which he had no concern, cannot lawfully be inflicted."

"By the Act of 16 Geo. III., 1776, all trade between the Colonies and Great Britain was interdicted."

"From this time the war (of the revolution) became a territorial, civil war between the contending parties, with all the rights of war known to the law of nations."

"The Act of Congress of July thirtieth, 1861, we think recognized a state of civil war between the Government and the Confederate States, and made it territorial." Page 693.

"We agree, therefore, that the Act of the thirtieth of July, 1861, recognized a state of civil war between the Government and the people of the States described in that Proclamation, (of August sixteenth, 1861.)" Page 696.

"But this (the right of the President to recognize a state of civil war as existing between a foreign government and its colonies) is a very different question from the one before us, which is, whether the President can recognize or declare a civil war, under the Constitution, with all its belligerent rights, between his own government and a portion of its citizens in a state of insurrection. That power, as we have seen, belongs to Congress. We agree when such a war is recognized, or declared to exist by the war-making power, but not otherwise. It is the duty of courts to follow the decision of the political power of the Government." Page 697.

"No civil war existed between this Government and the States in insurrection till recognized by the Act of Congress of July thirtieth, 1861. The President does not possess the power, under the Constitution, to declare war, or recognize its existence within the meaning of the law of nations, which carries with it belligerent rights, and thus change the country and all its citizens from a state of peace to a state of war. This power belongs exclusively to the Congress of the United States, and consequently the President had no power to set on foot a blockade under the law of nations, and the capture of the vessel and cargo in all cases before, in which the capture occurred before the thirtieth of July, 1861, for breach of blockade, or as enemy's property, is illegal and void." Page 699.

Mr. Chief-Justice Taney and Messrs. Justices Catron and Clifford concurred with Mr. Justice Nelson in the Dissenting Opinion.

parties to it were States, in their sovereign capacity, or the people of the United States, as individuals. Any other result would be as incomprehensible as it would be mischievous. A public enemy cannot lawfully claim the right of entering Congress and voting down the measures taken to subdue him.

Why not? Because he is a public enemy; because, by becoming a public enemy, he has annulled and lost his rights in the Government, and can never regain them excepting by our consent.

STATE RIGHTS TO BE REGAINED ONLY BY OUR CONSENT.

If the inhabitants of a large part of the Union have, by becoming public enemies, surrendered and annulled their former rights, the question arises, Can they recover them? Such rights cannot be regained by reason of their having ceased to fight. The character of a public enemy having once been stamped upon them by the laws of war, remains fixed until it shall have been, by our consent, removed. To stop fighting does not make them cease to be public enemies, because they may have laid down their arms for want of powder, not for want of will. Peace does not restore the noble dead who have fallen a sacrifice to treason. Nor does it revive the rights once extinguished by civil, territorial war. The land of the Union belongs to the people of the United States, subject to the rights of individual ownership. Each person inhabiting those sections of the country declared by the President's Proclamation to be in rebellion, has the right to what belongs to a public enemy, and no more. He can have no right to take any part in our Government. That right does not belong to an enemy of the country while he is waging war, or after he has been subdued. A public enemy has a right to participate in, or to assume the government of the United States, only when he has conquered the United States. We find in this well-settled doctrine of belligerent law the solution of all questions in relation to State rights. After the inhabitants of a district have become public enemies they have no rights, either State or National, as against the United States. They are belligerents only, and have left to them only belligerent rights.

STATE RIGHTS ARE NOT APPURTENANT TO LAND.

Suppose that all the inhabitants living in South-Carolina should be swept off, so that solitude should reign throughout its borders, unbroken by any living thing; would the State rights of South-Carolina still exist as attached to the land itself? Can there be a sovereignty without a people, or a State without inhabitants? State rights, so far as they concern the Union, are the rights of persons, as members of a State, in relation to the general government; and when the person has become a public enemy, then he loses all rights except the rights of war. And when *all* the inhabitants have (by engaging in civil, territorial war) become public enemies, it is

the same, in legal effect, as though the inhabitants had been annihilated. So far as this government is concerned, civil, territorial war obliterates from districts in rebellion all lines of States or counties; the only lines recognized by war are the lines which separate us from a public enemy.

FORFEITURE NOT CLAIMED—THE RIGHT OF SECESSION NOT ADMITTED, SINCE CITIZENS MAY BE DEEMED BELLIGERENTS AND SUBJECTS.

I do not place reliance upon the common law doctrine of forfeitures of franchises, as applicable to this revolution, for forfeiture can be founded only upon an admission of the validity of the act on which forfeiture is founded. Nor does the belligerent law of civil, territorial war, whereby a public enemy loses his rights as a citizen, admit the right of secession. It is not any vote or law of secession that makes an individual a public enemy. A person may commit heinous offences against municipal law, and commit acts of hostility against the government, without being a public enemy. To be a personal enemy, is not to be a public enemy to the country, in the eye of belligerent or international law. Whosoever engages in an insurrection is a personal enemy, but it is not until that insurrection has swelled into territorial war that he becomes a public enemy. It must also be remembered that the right of secession is not conceded by enforcement of belligerent law, since in civil war a nation has the right to treat its citizens either as subjects or belligerents, or as both. Hence, while belligerent law destroys all claims of subjects engaged in civil war, as against the parent government, it does not release the subject from his duties to that government. By war, the subject loses his rights, but does not escape his obligations. The inhabitants of the conquered districts will thus lose their right to govern us, but will not escape their obligations to obey us. Whatever rights are left to them besides the rights of war, will be such as we choose to allow them. It is for us to dictate to them, not for them to dictate to us, what privileges they shall enjoy.

THE PLEDGE OF THE COUNTRY TO ITS SOLDIERS, ITS CITIZENS, AND ITS SUBJECTS, MUST BE KEPT INVIOLEATE.

Among the war measures sanctioned by the President, to which he has, more than once, pledged his sacred honor, and which Congress has enforced by solemn laws, is the liberation of slaves. The Government has invited them to share the dangers, the honor, and the advantages of sustaining the Union, and has pledged itself to the world for their freedom. Whatever disasters may befall our arms, whatever humiliation may be in store for us, it is earnestly hoped that we may be saved the unfathomable infamy of breaking the nation's faith with Europe, and with colored citizens and slaves in the Union.

If the rebellious States shall attempt to return to the Union with constitutions guaranteeing the perpetuity of slavery; if the laws of these States

shall be again revived and put in force against free blacks and slaves, we shall at once have re-instated in the Union, in all its force and wickedness, that very curse which has brought on the war and all its terrible train of sufferings. The war is fought by slaveholders for the perpetuity of slavery. Shall we hand over to them, at the end of the war, just what they have been fighting for? Shall all our blood and treasure be spilled uselessly upon the ground? Shall the country not protect itself against the evil which has caused all our woes? Will you breathe new life into the strangled serpent, when, without your aid, he will perish?

If you concede State rights to your enemies, what security can you have that traitors will not pass State laws which will render the position of the blacks intolerable, or reduce them all to slavery?

Would it be honorable on the part of the United States to free these men, and then hand them over to the tender mercy of slave laws?

Will it be possible that State slave laws should exist and be enforced by slave States without overriding the rights guaranteed by the United States law to men, irrespective of color, in the slave States?

Will you run the risk of these angry collisions of State and national laws while you have the remedy and antidote in your own hands?

PLAN OF RECONSTRUCTION RECOMMENDED.

One of two things should be done, in order to keep faith with the country and save us from obvious peril. Allow the inhabitants of conquered territory to form themselves into States, only by adopting constitutions such as will for ever remove all cause of collision with the United States, by excluding slavery therefrom, or continue military government over the conquered district, until there shall appear therein a sufficient number of loyal inhabitants to form a republican government, which, by guaranteeing freedom to all, shall be in accordance with the true spirit of the Constitution of the United States. These safeguards of freedom are requisite to render permanent the domestic tranquillity of the country, which the Constitution itself was formed to secure, and which it is the legitimate object of this war to maintain.*

With great respect, your obedient servant,
WILLIAM WHITING.

WASHINGTON, July 29, 1863.

Doc. 99.

THE FIGHT AT FORT McALLISTER.†

REBEL OFFICIAL REPORTS.

SAVANNAH, Sunday, February 1, 1863.

To Brigadier-General Thomas Jordan, Chief of Staff:

GENERAL: A communication from Coffee Bluff, about four and a half miles in a direct line from

* See President Lincoln's Message and Amnesty Proclamation, December 8 and 9, 1861.

† See Volume VI. REBELLION RECORD.

Genesis Point, sent by Captain E. C. Anderson states that the last gun was fired at about a quarter before one P.M., and that the Abolition iron-clad was retreating seemingly damaged, as she moved very slowly. She had lost all her flags, except one rigged for the occasion, and the Fort plied her briskly with shot until she got out of range. The wooden vessels were firing a shot occasionally to cover her retreat. Information has been received from Thunderbolt battery, forwarded at two o'clock from that point, stating that a schooner-rigged steamer had just appeared and was in sight slowly steaming up, having fired one gun. Another steamer, supposed to be an iron-clad, was also in sight. H. W. MERCER, Brigadier-General Commanding.

WAY STATION, via SAVANNAH, February 1.

To General Jordan:

The fight lasted five hours, ending at three quarters past twelve. Major Gallie's brains were blown out—no one else killed, and none actually wounded. Seven privates were injured by concussion. One thirty-pounder had its trunnion knocked off and its carriage splintered. The parapet was badly torn up in about five places. It was half demolished in front of a columbiad chamber. The enemy's iron-clad was struck a dozen, probably two dozen times, and has gone back out of sight. She came within a thousand yards, probably seven hundred of our battery. Colonel R. H. Anderson and garrison have acted nobly.

HENRY BRYAN,
Major and Inspector-General

Doc. 100.

INDIAN SCOUTS AND THEIR RESULTS

FOR THE YEAR 1863.

GENERAL CARLETON'S ORDER.

HEADQUARTERS DEPARTMENT OF NEW-MEXICO,)
SANTA FE, NEW-MEXICO, February 24, 1864.)

GENERAL ORDERS, No. 3.

THE following notices of combats with hostile Indians in New-Mexico, and synopsis of Indian depredations, as well as operations generally against them, during the year 1863, are published for the information of all concerned. Perhaps not over one scout in four which was made against the Indians during that period was at all successful; but no notice is made, except of scouts which had results for or against us. This fact is stated to convey a better idea of the labor of the troops:

January 4. — Colonel Carson, Commanding Fort Stanton, reports arrival of two Mescalero Indians, who stated that in six days, one hundred Mescalero Indians would deliver themselves up at Fort Stanton; that this number comprised all the Mescaleros not already at Bosque Redondo.

January 9. — Captain Updegraff, commanding Fort Sumner, reports that two men of the picket stationed at Bosque Grande left the picket contrary to orders, to hunt, and that one of them, private Samuel Strunk, company M, First New-Mexico volunteers, was killed by Indians,

that the number of Indians then at Bosque Redondo was two hundred and forty-eight.

January 17.—Colonel Carson reports the arrival at Fort Stanton of one hundred Mescaleros mentioned in his communication of the fourth instant under the following named Chiefs: "Ojo Blanco, Janero Viejo, Janero Pablo, Janero Francisco, José La Paz, Mancos Son, Schat-hi."

January 17.—Captain E. D. Shirland, First cavalry California volunteers, brought Mangus Colorado, an Apache chief, into Fort McLean a prisoner. On the morning of the eighteenth, in attempting to escape, Mangus was killed by the guard. January twentieth, Captain Shirland came upon an Indian rancharia, surprised and defeated the Indians, killing nine and wounding many more, and capturing from them thirty-four head of stock, a portion of which were Government mules. The rancharia and all that pertained to it was destroyed.

January 19.—Captain William McCleave, First cavalry California volunteers, reports that in obedience to orders, he started from Fort McLean and proceeded to the Pinos Altos Mines. Arriving at the latter place, a party of Mangus Colorado's band of Apaches approached; the men were ordered to attack them, which was done; eleven Indians were killed and one wounded. The latter proved to be the wife of the chief Mangus Colorado. Three horses were captured, but being in poor condition, the people at the mines were permitted to keep them. Eleven Indians killed, one wounded, and three horses captured.

January 29.—On the twenty-ninth of January the Indians attacked two hunting parties of company A, Fifth infantry California volunteers, at Pinos Altos Mines, killed private Hassey and wounded Sergeant Sitton. The Indians were driven off with a loss of twenty killed and fifteen wounded. Sergeant Sitton behaved gallantly in this affair.

February 16.—L. M. Vaca reports that four thousand sheep were stolen from the neighborhood of Limitar by Navajoes, and reports that the Navajoes stole two thousand sheep which he recaptured at the Sierras Oscuras, (Black Hills,) killing three and wounding several Indians and capturing all their saddles, provisions, etc.

February 25.—José L. Perea reports that a band of forty Navajoes attacked and drove off six thousand sheep twenty-five miles south of Pope's Artesian Well.

March 4.—L. M. Vaca reports that since February twenty-sixth, three hundred and ten head of horses and cattle have been stolen by Indians from the neighborhood of Limitar.

March 5.—Major Morrison reports departure of Indians mentioned in Colonel Carson's communication of January seventeenth, 1862, from Fort Stanton to Bosque Redondo; also the departure of fifteen additional Indians who had given themselves up.

March 12.—Indians captured near Sabinal two thousand three hundred head of sheep, were followed by Mexicans, who recaptured them on the Jornada, on the night of the twelfth or thirteenth.

March —.—A band of forty Indians pursued two expressmen going from Fort Stanton to Fort Union. These Indians had a large herd of sheep. Captain Abreu, commanding Fort Stanton, sent Lieutenant McAllister and thirty men with ten days' rations to the "Sierras Oscuras," to intercept them. The expedition failed to recover the stock.

March 22.—On the afternoon of March twenty-second the Gila Apaches made a descent upon the public herd which was grazing near Fort West, and succeeded in running off some sixty head of horses; Indians numbered —. At eight o'clock p.m. the gallant Major William McCleave, First cavalry California volunteers, started in pursuit, with a command consisting of Lieutenants French and Latimer, First cavalry California volunteers, forty men of company A, twenty-five men of company B, and fourteen men of company C, First cavalry California volunteers. Major McCleave followed trail of Indians in a westerly course about seventy miles and down the Gila five miles, then across a divide to Rio Negro, where he arrived at nine a.m. on the twenty-sixth, and then moved up the stream a short distance. Signs at this point indicated the close proximity of Indians and a rancharia. During twilight command moved up the stream two miles and made camp. Thirty men were mounted on only serviceable animals left, under Lieutenant Latimer, and thirty dismounted under Major McCleave, started in search of rancharia, leaving remainder of command with Lieutenant French in charge of broken-down animals, pack animals, provisions, etc. Leaving the camp at eight o'clock p.m., the command ascended a mountain on the west side of the stream, and travelled about twelve miles without meeting with any success; here command rested from one o'clock of the twenty-seventh until dawn of day, it raining all the time. When light enough to see, Major McCleave discovered from an elevated position, trees, which indicated presence of water, and a horse grazing in neighborhood also indicated that the rancharia was near by. Lieutenant Latimer was ordered ahead with his command; discovered rancharia and gallantly charged upon it. Part of the dismounted men immediately commenced gathering in and guarding the horses to prevent the escape of the Indians, while the others were skirmishing and fighting on the bluffs. The fight lasted for twenty minutes, and resulted in the complete routing of the Indians, the capture of all our own horses that could be found and many Indian horses; the killing of twenty-five Indians, and the complete destruction of the rancharia, provisions, and all they possessed. Private Hall, of company B, First cavalry California volunteers, was wounded in this fight. The command then returned to camp, and soon after noon started on return trip by a route supposed more direct than the one by which the Indians were followed from the fort. This route led up a cañon from sides of which the Indians attacked rear-guard of the command, wounding Lieutenant French, killing two horses,

and wounding one. As soon as the attack was made, the soldiers ascended the perpendicular walls of the cañon, by climbing one over the other. This was done amidst showers of arrows. As soon as they reached the top the Indians fled in every direction. The superiority of the Californians over the Apaches at their own style of fighting was shown in the case of Corporal Ellis, of company A, who crawled unseen to a rock behind which was an Indian, and giving a short cough the Indian raised his head to discover its cause when a bullet from Ellis's rifle dashed through his brain. The Indians lost in this attack three killed.

On the thirtieth, provisions giving out, a sergeant and five men were sent to the Fort for a supply. Until their return the party subsisted on horse-flesh.

On the fourth of April the command reached Fort. On the fifth, private Hall died from the wounds received in the fight.

Indian loss, twenty-eight killed; troops, one.

March 24.—Major Morrison, with Captain Pfeiffer's company, New-Mexico volunteers, *en route* from Fort Stanton to Fort McRae, at San Nicolas Spring came upon a wounded Mexican, who stated he belonged to a train belonging to Martin Lujan of Socorro, Texas; that the train had been attacked by Indians and nearly all the party killed: he being wounded in three places and left for dead. Major Morrison with Lieutenant Bargie and eighteen men of the company went in pursuit; came to the salt marshes at day-break of the twenty-fifth, found ten wagons stripped of every thing portable, and within a circuit of three miles seven dead bodies of Mexicans, which they buried. They then followed the trail of the Indians toward the Sacramento Mountains; then toward the Sierra Blanca until noon, when they met a party of Mexicans from Tularosa, in pursuit of the same Indians; they had been informed of the massacre by another wounded Mexican who had escaped. The Indians had at this time twenty hours' start, and were hidden in the recesses of the Sierra Blanca. Major Morrison returned to San Nicolas Spring, arriving there on the evening of the twenty-fifth, having travelled one hundred and fifty miles. Lieutenant Bargie's conduct is spoken of as deserving of praise. Estimated number of Indians forty-five in all, twenty of whom were warriors; arrows indicate they were Apaches; seven Mexicans killed and seventy head of cattle stolen.

April 25.—Captain Benjamin F. Harrover, Fifth infantry, California volunteers, reports, that he attacked at Apache Pass a band of Apache Indians, numbering about two hundred, thirty of them mounted and several of them armed with guns.

At the first fire the Indians fell back, but kept up the fight for nearly two hours. In this affair private Wilcox of company E, Fifth infantry, California volunteers, was wounded.

Indian loss three killed; — wounded.

Troops, one private wounded.

May —.—Major Joseph Smith, commanding

Fort Stanton, reports that a party of Indians made a descent on the farmers of Ruidoso, and killed a man named Harding, robbed his house, and drove off ten or twelve head of stock.

May 1.—Cesario Duran, a citizen, reports that a party under his command had a hard fight with the Apaches in the San Andres Mountains, and succeeded in killing and wounding many Indians; the party lost two men killed; the party recovered several animals and captured seven horses.

May 8.—Lieutenant-Colonel J. F. Chavez, First New-Mexico volunteers, reports that an Indian named "Gordo" was seized and turned over to Lieutenant B. Stevens on the morning of the eleventh instant. The Indian unbound himself and attempted to escape; the sentinel in charge shot and killed him.

May 16.—On the night of the fifteenth the Navajoes stole from Jemez six head of horses.

May —.—Charles T. Hayden, citizen, reports that the Indians attacked his train near the line of Chihuahua; they were defeated with a loss of eleven killed, including the renowned Copinggan. Three horses were captured in this fight.

May —.—Captain T. T. Tidball, Fifth infantry California volunteers, with twenty-five men of his company and a small party of citizens, attacked a rancheria in Cajon de Arivaypa, killing over fifty Indians, wounding as many more, taking ten prisoners, and capturing sixty head of stock, with the loss of only one man, Thomas McClelland. The party marched five days without lighting a fire, maintaining silence, hiding by day and travelling by night, over a country hitherto untrod by white men.

June —.—Major Joseph Smith, commanding Fort Stanton, reports that the Indians attacked the expressmen on the twenty-first of June near the Gallinas, and compelled them to abandon their mules and express matter, and take to the mountains. The mules and express lost.

June 24.—Major Morrison reports an attack on Lieutenant Bargie and escort on the Jornada, in which Lieutenant Bargie while fighting gallantly was killed. The conduct of Sergeants Peña and Ulsari and the two prisoners they had in charge is highly praised.

June 26.—Major Morrison reports further in regard to the fight on the Jornada, that private Lucero, First New-Mexico volunteers, was killed.

June 20.—Captain A. H. Pfeiffer, wife and two servant-girls, with escort of six men of the First New-Mexico volunteers were attacked by a party of Apache Indians numbering fifteen or twenty, at a hot spring near Fort McRae. The Captain was bathing at the time when the Indians made a rush upon the party, killing two men, privates Nestor Quintana and Mestas. Captain Pfeiffer was wounded in his side by an arrow, and private Dolores received two shots in his right arm and hand. A citizen named Betts, who was with Captain Pfeiffer, was also wounded. The remainder of the party, except the women, succeeded in reaching Fort McRae unharmed, and reported facts to Major Morrison, commanding post. He immediately started in pursuit with twenty

mounted men, but did not succeed in overtaking the Indians. Mrs. Pfeiffer and the servant-girls were found in the trail badly wounded. Mrs. Pfeiffer and one of the servants have since died, the other doing well.

Loss in this affair, two privates killed, two women mortally wounded, one officer, one private, one woman, and a citizen wounded; seven horses and two mules taken by the Indians. Indian loss unknown.

June 27.—Major Joseph Smith, commanding Fort Stanton, reports the loss of part of his herd of horses and mules stolen by Indians. An infantry company sent in pursuit.

June 28.—Lieutenant W. H. Higdon, Fifth infantry, California volunteers, reports that on his way from Fort Stanton to Santa Fé, near Gallinas Springs, he found the bodies of privates Nicolas Quintana of company A, First New-Mexico volunteers, and John Hinckley of company A, Fifth California volunteers, who had been murdered by the Indians. The Indians had evidently wounded private Quintana, tied him to a stake and burned him. Some legal-tender notes and several letters were found near the body of Hinckley.

July 2.—Lieutenant-Colonel Chaves reports that Captain Rafael Chacon, First New-Mexico volunteers, with twenty-two men, was sent in pursuit of a band of Indians, who had stolen some horses and oxen from Fort Wingate. The oxen were recaptured near the post; the troops followed the trail of the Indians for three days and finally overtook them, when a sharp fight ensued. The Indians fought with great bravery, but were finally driven from their cover and fled.

The conduct of Sergeant Antonio José Trezquez in this affair is highly spoken of by Captain Chacon. Indian loss unknown. Troops, one private wounded.

July 4.—Captain N. J. Pishon reports that with twenty-seven men of his company, D, First cavalry California volunteers, he pursued a party of eight Indians, who had driven off one hundred and four Government mules from Fort Craig, overtook them a few miles from the post, and killed four Indians and recovered all the mules. Captain Jules L. Barbey, who accompanied the command, was shot through the wrist by an arrow. Privates Jackson and Bancroft were also slightly wounded.

July 12.—Captain A. H. French, First cavalry California volunteers, with twenty-seven men of his company, attacked and routed near Fort Thorne a band of Apache Indians, supposed to number sixty warriors.

Indian loss ten killed and four horses captured. Sergeant Walsh and Farrier Burns were wounded.

July 11.—Sergeant E. W. Hoyt, of company D, First infantry California volunteers, with three men of company B and three men of company D, First infantry California volunteers, having in charge four wagons *en route* to Las Cruces, was attacked by Indians in Cook's Pass, and forced to abandon three wagons and nineteen mules, and had four men slightly wounded. Four Indians

are known to have been killed and a number wounded.

Sergeant Hoyt acted with the greatest coolness in this affair.

July 19.—Lieutenant Juan Marques, First New-Mexico volunteers, while returning from Horse Head crossing of the Pecos, with fifteen men of company A, First New-Mexico volunteers, was attacked at the Rio Honda by about fifty Indians while in camp at that point. The Indians gained possession of the camp, but were finally driven across the river, carrying with them their wounded. They soon after recrossed the river and charged on the herd, but were again driven back with loss. In this charge private José Chaves was killed. For several hours the fight was continued. The Indian force rapidly increased, and at last numbered some two hundred. The ammunition gave out, and the soldiers were ordered to break their rifles and make their escape, which they did.

Lieutenant Marques reports the conduct of the following named men as worthy of mention: Corporals Brigalosa and José G. Gonzales, and privates Santiago Torres, G. Romero, Antonio Archuleta, José D. Tresquez and Jesus Lopez. All the public animals (including ten mules) were lost in this affair.

Indian loss, six killed.

July 22.—Captain F. P. Abreu, First New-Mexico volunteers, and Captain Emil Fritz, First cavalry California volunteers, with a detachment of New-Mexico and California volunteers, left Fort Stanton for the Rio Pecos, to overtake and chastise the Indians who had attacked Lieutenant Marques.

After following the Indians for forty-five miles, Captain Fritz came upon their camp and captured two horses, six mules, and all the plunder of the camp; the Indians made their escape.

July 30.—Lieutenant W. H. Higdon reports that on the thirtieth of July, *en route* from Fort Union to Fort Stanton he saw about seventy-five Indians driving a large herd of sheep, judged to number twenty thousand; believing his party too small to attack so large a band of Indians, they were allowed to pass unmolested.

July 24.—Lieutenant John Lambert, Fifth infantry California volunteers, reports that the Indians attacked a detachment under his command in Cook's Cañon; at the first fire Sergeant Hanco, of company H, Fifth infantry, was wounded in his shoulder and hand; soon after private Queen, of company F, was mortally wounded. Two wagons were abandoned to the Indians, also twelve mules.

Private Queen died before the fight ended.

July 19.—Lieutenant-Colonel McMullen's ambulance was attacked by Indians near Paraja, and Assistant Surgeon E. S. Watson, First infantry California volunteers, and private Johnson, company G, First infantry California volunteers, were killed.

The escort killed two Indians and wounded others. Colonel McMullen's horse was captured by the Indians.

Our loss, one commissioned officer and one private killed, one horse lost.

Indian loss, three killed and — wounded.

August 4.—Lieutenant B. Stevens, First New-Mexico volunteers, reports that when returning from Cuvero to Fort Wingate he came upon a party of Navajoe Indians, seven men and two boys; took them prisoners and placed them in the guard-house at Fort Wingate.

August 6.—M. Steck, Superintendent of Indian Affairs, reports that a portion of the Utahs, Mohuaches, and Tabahuaches, had killed nine Navajoes and captured twenty-two horses.

August 6.—Captain E. H. Bergmann reports that a party of company I, First New-Mexico volunteers, in charge of a herd of beef-cattle, were attacked by a body of Navajoes on the twenty-second July, near Conchas Springs. The party consisted of Sergeant José Lucero and privates Juan F. Ortiz and José Banneras, who fought the Indians from eleven a.m. until after sun-down, killing and wounding several of them. The Indians succeeded in killing Sergeant Lucero and private Ortiz. Private Banneras, being severely wounded by eight arrow-shots, gathered up the muskets and pistols of his dead comrades and threw them into the springs. The Indians fractured his skull with rocks and left him for dead, but he recovered toward morning and made his way to Chaparita. The Indians drove off the cattle. (Number not stated.)

Captain Bergmann, learning that the Indians had driven off ten thousand sheep, mounted thirty men and endeavored to intercept them at the crossing of the Pecos. Corporal Martinez came close to their rear and succeeded in killing two and wounding several.

The corporal destroyed their camp utensils and captured three beeves.

August 11.—M. Steck, Superintendent Indian Affairs, reports that the Utahs have during the last ten days killed thirty Navajoes, and captured and brought in sixty children of both sexes, and captured thirty horses and two thousand sheep. On the eleventh instant, four Utahs came in with three scalps and six captives.

Total, thirty-three killed, sixty-six captured, and thirty horses and two thousand sheep taken.

August 19.—Colonel Christopher Carson reports that he left camp near Cañon Bonita, August fifth, 1863, on a scout for thirty days. On the first day out, sent Sergeant Romero with fifteen men after two Indians seen in the vicinity; he captured one of their horses; the Indians made their escape. On the night of the fourth instant, Captain Pfeiffer captured eleven women and children, besides a woman and child, the former of whom was killed in attempting to escape, and the latter accidentally. Captain Pfeiffer's party also captured two other children, one hundred sheep and goats, and one horse. The Utes captured in the same vicinity eighteen horses and two mules, and killed one Indian. Captain Pfeiffer wounded an Indian, but he escaped. On the sixteenth, a party who were sent for some pack-saddles brought in one Indian woman.

At this camp the brave Major Cummings, First New-Mexico volunteers, was shot through the abdomen by a concealed Indian and died instantly. One of the parties sent out from this camp captured an Indian woman.

Total Indians killed, three; captured, fifteen; wounded, one; twenty horses, two mules, and one hundred sheep and goats captured.

Troops, one commissioned officer killed.

August 19.—Captain Henry A. Greene, First infantry California volunteers, having received information that a party of Indians with a large herd of sheep had crossed the Rio Grande on the morning of the eighth instant, mounted twenty men and started in pursuit, and after following their trail for nearly two hundred miles, came upon them and opened fire. The Indians fled, and the command recovered one thousand six hundred to one thousand eight hundred sheep, and drove them to Fort Craig.

August 24.—Captain W. Craig reports that a party of sixteen Indians attacked his herders near Fort Union, and drove off eighteen Government mules.

August 27.—Captain V. Drescher, First infantry California volunteers, reports the horses and mules at Fort West were stampeded by Indians; animals not recovered, Indians not pursued. Twenty-six mules and one horse lost.

August 29.—Captain Henry A. Greene, First infantry California volunteers, reports that the Indians attacked the mail-stage on the Jornada near the Point of Rocks, and captured seven mules. As soon as the information was received, fifteen mounted men were sent in pursuit, and nine men detailed to escort the stage through. The mounted party on coming in view of the Rio Grande, saw three Indians on the bank—the balance of the band were back in the brush; the three Indians were fired upon—one of them fell, but recovered again. A part of the command under Lieutenant Fountain charged across the river; the Indians ran and concealed themselves. The party then dismounted and commenced to skirmish through the bushes. While on this duty, private George Dickey was mortally wounded by the only shot fired by the Indians during the affair. Dickey saw an Indian jump into the river and shot him; the Indian turned after being shot and gave Dickey the wound which caused his death.

Indian loss, one killed, three wounded.

Our loss, one private killed.

August —.—Colonel Christopher Carson with his command left Pueblo Colorado on the twentieth of August for Cañon de Chelly with the main force, secreting twenty-five men, under Captain Pfeiffer, in the cañon to watch for Indians. Soon after, two Indians were seen approaching the cañon and were fired upon, and although badly wounded, succeeded in getting away. On the same day, the advance-guard pursued and killed an Indian. On the thirty-first, the command returned to Fort Canby.

Indian loss, one killed, two wounded.

August 27.—Two Navajoe Indians, prisoners,

attempted to escape from the guard-house at Fort Defiance; one was killed by the guard and the other mortally wounded.

One killed, one wounded.

August 31.—Lieutenant-Colonel Chaves, commanding Fort Wingate, reports that a large party of Navajos attacked the escort to the wood-wagons about five miles from the post, wounding private Luciano Pais, and driving off twelve mules. The Indians were pursued but not overtaken.

Our loss, one man wounded, twelve mules taken.

August 23.—Captain R. Chacon, First cavalry New-Mexico volunteers, left Fort Wingate with forty enlisted men, on a scout after Indians. On the twenty-seventh, when near the Salt Lakes, the party espied a band of Navajos, and succeeded in killing two and capturing eight. On the same day, one of the Indians, in attempting to escape, was killed by the soldier who had him in charge. On the twenty-eighth, the party attacked one hundred and fifty Indians, who fled in all directions; the party here captured seven children and recovered a captive Mexican boy named Agapeto Apodaca; killed three Indians, and captured one thousand five hundred head of sheep and goats, seventeen head of horses, mules, burros, and colts. On this scout there were six Indians killed, fourteen captured, one Mexican boy rescued, one thousand five hundred head of sheep, seventeen horses, mules, burros, and colts captured.

August 27.—Captain T. T. Tidball, Fifth infantry California volunteers, commanding Fort Bowie, reports that the Apache Indians run off six horses and one mule from that post.

September 8.—Captain Joseph P. Hargrave, First infantry California volunteers, reports that he left Fort Wingate on the twenty-second of August on an expedition against the Navajos. On the twenty-sixth of August, saw forty Indians on the Little Colorado; charged on them, but they fled before the troops got within gunshot of them. At this place captured five hundred head of sheep. On the thirtieth of August, the mules belonging to command (number unknown) were driven off by the Indians. A party of mounted men were sent in pursuit, but failed to overtake them.

September 5.—M. Steck, Superintendent of Indian Affairs, reports that a party of Utahs have killed nine Navajos and captured forty children, and that the Pueblo Indians have killed a Navajo warrior, and that the Governor of Jemez had killed one Navajo.

Indian loss, eleven killed, forty captured.

September 5.—Captain J. H. Whitlock, Fifth infantry California volunteers, reports that he found an Indian camp, surprised it and captured two mules, one Sharp's carbine, one United States blanket, and one thousand pounds of mescal; burned the camp, including all that pertained to it. On the eighth of September, found Indians in force, and had a spirited fight with them for fifteen minutes. One man and the guide severely wounded, and one horse killed.

Indian loss unknown.

Our loss, one soldier and one citizen wounded, and one horse killed.

September 8.—The Indians made an attack on Puertecito de las Salinas. Three Mexicans who went in pursuit of them were killed.

September 26.—Captain Henry A. Greene, the indefatigable, commanding Fort McRae, learning that a band of Indians, with ten head of stock, had crossed the Rio Grande near the Rio de los Alimosos, and that Corporal Argust with three men had gone in pursuit, immediately mounted eight men and started for the town of Alimosa; arriving at this point, eighteen mounted Mexicans joined his party. The whole party then travelled to Cañada Palomas crossing. At this point the stock was found, having been abandoned by the Indians.

Corporal Argust, and privates Daniel D. Tompkins, Alonzo C. Mullen, and William Lockhart are highly praised by Captain Greene for their zeal and energy on this occasion.

September 27.—Lieutenant P. A. J. Russell, First infantry California volunteers, with four mounted men and a party of Pueblo Indians, started from Valles Grande on the trail of a band of Navajos who had stolen a lot of stock from the Pueblos. The trail was followed into the town of Jemez, where the party recaptured one hundred and twenty-five head of sheep and two horses.

Killed eight Navajos and took twenty women and children prisoners.

September 28.—Baltasar Montaño, citizen, reports the result of a campaign against the Navajos as follows:

Two Indians killed, five wounded, eleven or twelve animals captured. Two horses and one mule lost.

October 5.—Colonel Carson reports that on the twenty-second of September his command pursued a party of Indians, but owing to the broken-down condition of his animals, they only succeeded in capturing one. On the second day of October, discovered a small Indian village, which had just been abandoned; this was destroyed; nineteen animals captured, seven of which got away. Three men left camp to hunt up the animals which had escaped; they did not return until after the command had returned to Fort Canby; they state that they were attacked by a party of Indians when within five miles of the post, one of whom they killed. One of the men named Artin was severely wounded, and the Indians captured his mule. On the third day of October, Lieutenant Postle discovered an Indian, pursued him and wounded him in three places; the Lieutenant was slightly wounded by the Indian.

Indian loss, one killed, one wounded, and one captured, twelve animals captured. Our loss, one officer and one private wounded, and one mule lost.

October 5.—Ramon Luna, Agent for the Pueblo Indians, reports that the Pueblos, in a recent campaign against the Navajos, killed twenty-two

of them, captured fifty-one prisoners, one thousand two hundred sheep, and forty mules; some of the mules had the United States brand.

October 6.—Major Edward B. Willis, First infantry California volunteers, left Fort Wingate on the fifteenth day of September on an expedition against the Indians, with forty men, each of company H, First infantry California volunteers, and company F, First New-Mexico volunteers. At the Cienega Amarilla the command captured one horse and one mule; at Jacob's Well found a few Indians, and captured two of them. At this point found and destroyed several fields of pumpkins and water-melons. The command then returned to Fort Wingate. Major Willis in his report says: "I cannot speak in too high terms of the officers and men of this command; no men could be more anxious to do their duty or more cheerfully incur the hardships of a campaign; after a march of twenty-five or thirty miles, the whole command would cheerfully volunteer and march the whole night on the slightest prospect of doing any service."

Two Indians, one horse, and one mule captured.

October 13.—Two wagons which had been sent about a mile from Fort Canby for wood, in charge of a non-commissioned officer and five men, were attacked by the Indians; the escort and the teamsters ran at the first fire, leaving the wagons and teams in possession of the Indians; ten mules were lost, two mules and the wagons were left. One of the soldiers in his hurry to escape, left his musket at the wagons; the Indians carried it off.

October 15.—The train of Miguel Romero, hay contractor, was attacked by Indians while on its way from hay-camp to Fort Canby; the non-commissioned officer in charge of the escort was wounded and one teamster severely wounded. The Indians drove off five mules and one pony.

October 16.—Lieutenant Thomas Henderson, First cavalry New-Mexico volunteers, reports that while *en route* from Fort Stanton to Santa Fé, he met three Indians with a lot of mules near the Buffalo Spring. The Indians, on being discovered, abandoned nineteen mules and escaped.

October 18.—Lieutenant Dowlin, First cavalry New-Mexico volunteers, reports that a party under his command killed two Indians near the Laguna Negra.

October 21.—Lieutenant Nicholas Hodt, First New-Mexico volunteers, with forty men, left Fort Canby, October twenty-first, on a scout against the Indians. On the twenty-second, saw a party of Indians, who succeeded in escaping to the mountains; near Cañada Colorado the command captured one woman.

October 22.—Captain Rafael Chacon, with his company, pursued a band of Indians who had run off stock near Fort Wingate, and captured from them two mules and two horses.

October 25.—Lieutenant Charles H. Fitch, on an Indian scout, captured two horses and one mule.

October 31.—Lieutenant E. Latimer, First cav-

alry California volunteers, left Fort Union, with a detachment of nine men, for Fort Sumner, having in charge twenty-one Indian prisoners. On the night of November fourth, while encamped at the mouth of Gallini River, sixteen of the Indians succeeded in making their escape. They were pursued but not recaptured.

November 9.—A party of Mexicans passed through Fort Wingate on the first instant in pursuit of Indians; at the Sierra Negra the party had a fight with a band of Navajoes; killed five and took sixteen prisoners. About two leagues from Sierra the party had another fight with the Indians, killed two and took two prisoners; at the Sierra de Chusca had a skirmish with the Indians, and captured twenty-four prisoners, twenty horses and mules, and twenty-five sheep and goats.

At Carriso Springs the party came upon a band of Indians numbering from two hundred to three hundred with several thousand head of stock; the captain of the party being fearful of losing his prisoners, allowed this band to pass unmolested.

Indian loss, killed, seven; prisoners, forty-two; twenty horses and mules, and twenty-five sheep and goats captured.

November 4.—Captain A. L. Anderson reports that while in camp on the Gila River near the Pinal Mountains, the Indians crept to within range of his picket-line and discharged several volleys of arrows at the animals, sentinels, and the men sleeping near. Four horses were so badly wounded that it became necessary to kill them. A squad of men was left concealed in the camp, and after the column had marched they succeeded in killing one of a party of Indians who approached them.

Indian loss, one killed. Our loss, four horses killed.

November 5.—Captain Henry A. Greene, commanding Fort McRae, reports that a band of Indians crossed the Rio Grande, near the Rio Plumas, with several hundred sheep, on the fourth of November. As soon as the information was received at Fort McRae, Captain Greene mounted seven men, and started for the point it was reported the Indians had crossed. Arriving there, he found that the men at the Vidette Station had already started in pursuit; Captain Greene took up the trail, and on the fifth instant overtook the men from the station. After travelling with them for one hundred and fifty miles, Captain Greene returned to Fort McRae, leaving Sergeant Rhodes and Corporal Argust to follow the trail. On the twelfth of November Sergeant Rhodes returned, and reported that he overtook the Indians about two hundred and twenty-five miles from the Rio Grande, and after a sharp skirmish routed them, and recovered one hundred and seventy sheep. Private Atkinson was wounded by an arrow in this affair. The Sergeant and the men who were with him are highly commended by Captain Greene.

Indian loss, one killed and four wounded.

Captain Greene states that the Indians could

not have crossed the river with the sheep within two miles of Lieutenant Whittemore's camp, had that officer used proper vigilance.

Our loss, one private wounded.

November 5.—Lieutenant Nicholas Hodt, first cavalry New-Mexico volunteers, left Fort Canby October twenty-seventh, on a scout after Indians.

Result of this scout, four Government mules worn out and shot.

November.—E. Montoya, Brigadier-General New-Mexico militia, reports that Captain Tafolla, overtook a party of Indians near the Sierra del Datil, and took from them twenty-six head of cattle, four burros, and three horses.

November.—E. Montoya reports that his party attacked a band of Indians at the "Three Brothers," and recovered forty-two head of cattle. No Indians killed.

November 15.—Colonel Carson with his command left Fort Canby for the country west of the Oribi villages, for the purpose of chastising the Navajo Indians inhabiting that region. On the sixteenth, a detachment under Sergeant Andres Herrera overtook a small party of Indians, two of whom were killed and two wounded; fifty sheep and one horse were captured. Colonel Carson speaks in high terms of the zeal and energy displayed by Sergeant Herrera.

On the twenty-fifth, the command captured one boy and seven horses, and destroyed an encampment; on the same day captured one woman and one child, and about five hundred head of sheep and goats, seventy horses, and destroyed an Indian village. On the third of December, surprised an Indian encampment, capturing one horse and four oxen. The Indians escaped.

Indian loss, two killed, two wounded, three captured; five hundred and fifty sheep and goats, nine horses, and four oxen captured.

November 27.—Roman A. Baca reports that he left Cebolleta with a party of one hundred and sixteen mounted Mexicans, and travelled in a north-westerly direction for six days. When about fifty miles from Chusca, on the sixth day out, the party encountered about two hundred Indians—killed six, and took three prisoners, who are now in the custody of Lieutenant Stevens; the party also captured three Indian ponies.

November 30.—L. M. Baca, Judge of Probate, reports that on the night of the twenty-seventh of November, three miles from La Joya, the people at that place captured from sixty-one Navajoes one thousand nine hundred and seven head of sheep.

November 30.—Lieutenant J. Laughlin, while en route from Fort Wingate to Los Pinos, on the night of the thirtieth of November, surprised a party of six or seven Indians at the Rio Puerco; the Indians fled, leaving seventy head of cattle, which were taken to Los Pinos and turned over to the owner.

On the fourth of November, ten head of cattle belonging to the command at Valles Grande were driven off by the Indians.

On the ninth day of November, José Ignacio Valencia, in charge of a herd of sheep, had a fight with the Indians at Cañoncitas of the Conchas. One Indian was killed.

December 1.—Captain Henry A. Greene, first infantry California volunteers, receiving information that a band of Indians had crossed the Jornada with two hundred sheep, took seven men of his company and started on their trail. The party overtook the sheep on the summit of the Sierra Caballo, on the east side of the Rio Grande. The sheep were taken to Fort McRae.

December 16.—Major Henry D. Wallen, United States Seventh infantry, commanding Fort Sumner, reports that on the morning of the sixteenth instant, Mr. Labadi and Rev. Mr. Failon reported to him that a large number of Indians with an immense herd of sheep were at the Carretas. The officers and men of company D, Fifth, and company C, Seventh infantry, were awakened, and prepared to take the field with two days' rations. A lieutenant, with eight mounted men of company B, Second cavalry California volunteers, was also got in readiness; Mr. Labadi, Mr. Failon, and thirty Apache Indians also started in pursuit. The party left the post at half-past five o'clock A.M., for the Carretas. The mounted men and Indian Agent, with the Indians, outstripped the party on foot, and took up the Navajo trail on the west bank of the Pecos River. At thirty-five miles north-west from Fort Sumner they overtook the Navajoes, in number about one hundred and thirty, ten mounted, and twenty armed with rifles. A severe contest ensued, in which the Navajoes lost twelve killed and left on the field, and a number killed and wounded who were carried off; one prisoner taken, all the sheep recovered, amounting to five thousand two hundred and fifty-nine, thirteen burros, four rifles, one horse, their provisions, blankets, one hundred and fifty pairs of moccasins, and nearly all the effects taken from Mr. Labadi's train.

Major Wallen calls the attention of the General commanding to the gallant conduct of Mr. Labadi, privates Loser and Osier of company B, Second cavalry California volunteers; Ojo Blanco and Cadetta, the chiefs of the Apaches; Alazan, an Apache, who was badly wounded, and the Apaches generally, who rendered signal service.

Lieutenant Newbold, with three men, pursued the flying Navajoes three miles beyond the scene of action, but owing to the exhausted condition of his animals, was obliged to desist from further pursuit.

The Navajoes, just before reaching the Pecos, were alarmed by some pistol-shots discharged from a wagon-train, and abandoned four thousand six hundred and thirty sheep, which were secured by the Mexicans attached to the train. Lieutenant McDermott, with ten mounted men and six Apaches, were sent to collect the herd and bring it to the post; before reaching the camp, Alazan, the Apache named above, died.

December 16.—Thirty-five Navajo Indians were sent to Fort Sumner this day; this party gave

themselves up at Fort Wingate as prisoners of war.

December 20.—First Lieutenant D. Montoya, First cavalry New-Mexico volunteers, in accordance with instructions received from Colonel Carson, left Fort Canby in pursuit of a party of Navajo Indians. On the second day out, marched through a heavy snow-storm. On the third day came upon an Indian encampment, attacked it, and succeeded in killing one Indian and capturing thirteen women and children, besides a lot of Navajo blankets, moccasins, etc.

Near the Pueblo Colorado the command pursued two Indians, (man and woman,) and wounded the Indian and captured the woman.

Lieutenant Montoya recommends to the notice of the Colonel commanding the good conduct and soldierly bearing of First Lieutenant C. M. Hubbell, and First Sergeant Antonio Mora, of company C, First cavalry New-Mexico volunteers, who were severely wounded in the last affair. Corporal Marcos, of company C, was particularly conspicuous on this scout; he was also wounded. Sergeant José Ortiz was also very active in pursuing and engaging the Indians.

December 7.—Lieutenant Benjamin F. Stevens reports that he saw three Mexicans near Cebolleta having three Indian captives in their possession; the whole party were taken prisoners by him. The Mexicans soon after made their escape. The captives were sent to Fort Sumner.

December 22.—Captain John Thompson, First cavalry New-Mexico volunteers, left Fort Canby with one hundred men on a scout after Indians. On the twenty-sixth, at Mesa la Baca, sent out Sergeant Romero with thirty men, who came upon a party of Indians, killed one, and captured twelve. On the same day a party under Sergeant Dorsette discovered two Indians, wounded one, and captured the other.

Indian loss, one killed, thirteen captives, and one wounded.

On the sixth of December, the Navajoes ran off some cows from the Pueblo Santa Ana; the Indians of the Pueblo went in pursuit, recovered their stock, and killed two Navajoes.

On the eleventh of December, José Ma. Martin, with a party of Mexicans, went in pursuit of Navajoes who had been stealing stock; the stock was recovered, and two Indians killed.

On the twenty-eighth of December, the people of San Miguel and Pueblo overtook and surprised a party of Indians, and recovered a lot of cattle, and took the arms of the Indians.

The zeal and energy shown by the officers and soldiers, and the fortitude with which they have encountered hunger, thirst, fatigue, and exposure, in their pursuit of hostile Indians within this Department during the past year, are deserving of the highest admiration. Not less is this due to those parties who were so unfortunate as not to overtake the Indians than to those who came up with them. All toiled and suffered alike. The gallantry which every one has shown, when there was an opportunity to close with the en-

emy, proves that that virtue among the troops in New Mexico is common to all.

The alacrity with which citizens of New-Mexico have taken the field to pursue and encounter the Indians is worthy of all praise. Many of them have been conspicuous for their courage, and *all* have shown a settled determination to assist the military in their efforts to rid the country of the fierce and brutal robbers and murderers who for nearly two centuries have brought poverty to its inhabitants, and mourning and desolation to nearly every hearth throughout the territory.

The Department Commander congratulates the troops and the people on the auspicious opening of the year eighteen hundred and sixty-four. For one hundred and eighty years the Navajo Indians have ravaged New-Mexico; but it is confidently expected that the year eighteen hundred and sixty-four will witness the end of hostilities with that tribe. Then New-Mexico will take a stride toward that great prosperity which has lain within her grasp, but which, hitherto, she has not been permitted to enjoy.*

By command of Brigadier-General Carleton:

BEN. C. CUTLER,
Assistant Adjutant-General.

Doc. 101.

THE IMPRESSMENT OF QUAKERS BY THE REBEL AUTHORITIES.

MEMORIAL.

THE following memorial was laid before the State Convention of North-Carolina by the yearly meeting of Friends, on the subject of bearing arms:

At a stated meeting for sufferings, representing North-Carolina yearly meetings of Friends, held at Deep River, on the fourteenth of fourth month, 1862, the subject of our present sufferings, on account of our conscientious scruples against bearing arms, claiming the considerate deliberation of the meeting, and believing it right to embrace our privilege to petition those in authority, we therefore adopt the following:

To the Conention of North-Carolina, in Convention Assembled:

Your petitioners respectfully show that it is one of our fundamental religious principles to bear a faithful testimony against all wars and fightings, and that in consequence we cannot aid in carrying on any carnal war.

This is no new principle of our Society, but one which was adopted at its rise, as the doctrine taught by our Saviour and followed by his disciples for more than two hundred years, and has ever been and is now held as one of our fundamental and vital principles, and one that we cannot yield or compromise in any degree whatever.

We would further show that the whole number of our members in the confederate States is less than ten thousand, while in the United States the number probably exceeds two hundred thou-

* See Recapitulation, page 750.

sand, who bear the same testimony against all wars and fightings; and that in every nation and clime where our Society exists, it is at this day, as heretofore, maintaining this precious principle of peace, and that we everywhere in this respect speak the same language and mind the same thing.

We may further show that, according to the best information we can obtain, until the present time, Friends of North-Carolina have not been called on to aid in the battle-field or military camp; but now our peaceful principles are in a measure disregarded, *and many of our members are drafted to take part in the conflicting armies, while we understand our brethren in the United States are not.*

We have enlisted under the banner of the Captain of our soul's salvation, Jesus Christ, the Prince of Peace; therefore, in obedience to his express command, we cannot fight or aid directly or indirectly, in any carnal wars. But your petitioners would represent to you that we believe it to be our moral and religious duty to submit to the government under which we live, and to the laws and powers that be, or suffer patiently their penalties.

We love our homes and our country much, but at the same time we love our religious principles more; therefore, your petitioners would most respectfully ask that you grant us the enjoyment of this important religious principle.

We own no God but the God of love, peace, mercy, and judgment, whose blessings we invoke, and whose wisdom we implore to be with you in your legislative deliberations.

Signed on behalf and by direction of the meeting.

NATHAN F. SPENCER,
Clerk.

Doc. 102.

REBEL GUERRILLAS.

T. B. MURRAY'S PROCLAMATION.

ATLANTA, GA., June 22, 1862.

FELLOW-CITIZENS: At the reorganization of our forces, under the conscript act, I declined any position in my regiment, believing that it was my duty to endeavor to do something to relieve my own people from the depredations of lawless bands of an unprincipled foe. I am now empowered to raise a legion for special service in North-Georgia, and in the mountains of East and Middle Tennessee.

This corps will be armed with improved arms, and they will be entitled to bounty, pay, rations, and quarters, as other troops; they will all, furthermore, be entitled to the cash value of all property captured from the enemy. There was never a more fruitful field presented for the operations of this character than Tennessee.

The undersigned, from his intimate acquaintance with the geography of the country, coupled with his experience in mountain warfare in the campaign in Western Virginia, flatters himself that he can lead corps of this sort successfully.

He therefore appeals to the people of East and Middle Tennessee, and North-Georgia for their aid and coöperation in his undertaking. And more especially does he appeal to the constituents of his old regiment. His appeals to them have always met a hearty response. He trusts that they will not turn a deaf ear to this appeal to them to rally to the defence of their homes, property, and liberties—nay, more, the purity of their wives, daughters, mothers, and sisters.

I also desire to organize one company of the most intrepid men in the country, who will be required to mount themselves on superior horses. They will be armed with the most approved long-range guns, and will always be under the immediate command of myself. This company is designed for the most perilous scouting service.

Communications will receive attention if addressed to me at Ringgold, Georgia, or Chattanooga and Sweet Water, Tennessee.

T. B. MURRAY.

Doc. 103.

AFFAIR AT HARPER'S FERRY, VA.

DESTRUCTION OF THE ARSENAL.

LIEUTENANT JONES'S ACCOUNT.

CARLEISLE BARRACKS, PA., April 22, 1861.

THE official report I sent you did not go into the details of the affair at Harper's Ferry, and as they may be interesting to you, I will now mention the circumstances in the order in which they occurred.

After the arrival of the morning train of Thursday, the people at the Ferry were thrown into the wildest state of excitement by the arrival of persons from Richmond, who announced that the Governor's proclamation had been issued declaring the State out of the Union, and that it would be published at three in the afternoon. Subsequent events showed there was no truth in the announcement of these individuals, and the excitement gradually subsided during the day until about sundown, when things wore a quiet aspect—the quiet that precedes the storm.

In the morning, however, about nine, or shortly after, I received a despatch from General Scott, saying that the evening before, three trains of troops had passed over the road from Gordonsville to Manassas Junction and up the latter road, and that it was supposed they were destined for Harper's Ferry, and telling me to be on my guard. In conjunction with Captain Kingsbury of the army, who arrived the previous evening to act as superintendent of the armory until one should be appointed, I called on the workmen of the armory, to form themselves for the defence of the place. Many expressed a readiness to do so, but few, however, enrolled themselves, and I soon found I would have to depend entirely upon myself and command. Finding this to be the case, I requested Captain Kingsbury to have the powder brought down into the armory yard from the magazine, and the bridges over the

canal leading into the armory destroyed; the latter was done by men.

Hardly had these precautionary steps been taken, when I received confirmatory intelligence of General Scott's despatch of the morning, and telegraphed him of it, and that I would be certainly attacked that night.

Just after sending this despatch, I was informed that troops were collecting at a place called Halltown, three miles from the Ferry, on the road to Charlestown. Thinking this doubtful, I sent out a courier to reconnoitre, who returned shortly with a report that the information was correct. Without further delay, I formed my company, and detailed twelve men as a guard for the arsenal, and directed six of them to go for their bed-sacks, into each of which I put a keg of twenty-five pounds of powder. I then directed them to proceed to the two arsenal buildings, containing about fifteen thousand arms, and in a few minutes my arrangements were completed for firing the buildings simultaneously in half a dozen places or more. It was now near sundown and I quietly awaited coming events, Captain Kingsbury having quietly prepared things for firing the carpenter's shop, which was at the upper end of a long and connected series of shops in the armory proper. Advanced guards of citizens were thrown out in the direction of Charlestown, on both the railroad and turnpike, and about ten o'clock, the guard on the latter reported the troops that were at Halltown at sundown were advancing, with their numbers increased to three hundred. A few minutes after this I received further positive and reliable intelligence that in two hours two thousand five hundred or three thousand troops from Winchester would arrive by the railroad. I then communicated this intelligence to Captain Kingsbury, and said the time had arrived to apply the torch, and he agreeing with me, I gave the order, and in a few minutes the arsenal buildings and the carpenter's shop were in a blaze, the latter having been fired by the captain. Knowing it would never do to remain until the troops arrived, in accordance with my predetermined plan, I withdrew my men, and after the most arduous march I ever made, over mountains, through streams and mud, I reached Hagerstown just ten minutes after the departure of the morning train.

Knowing it would not do to tarry there until the afternoon train, I hired omnibuses and drove to Chambersburg, and thence by cars to this place. The arsenal buildings I have since learned were completely destroyed with their contents, but the fire in the work-shops was arrested.

Some of the papers say, I did this under the directions of the Department; this is a mistake, I had no orders whatsoever; it was done on my own responsibility alone. Three of my men who were missing came up yesterday, and say they swore vengeance against me, and that if they had caught me, they would undoubtedly have shot me, and probably all my command would have been murdered.

R. JONES.

Doc. 104.

HALLECK'S GENERAL ORDER NO. 3.

HEADQUARTERS DEPARTMENT OF MISSOURI,
St. Louis, November 20, 1861.

GENERAL ORDERS No. 3.

1. It has been represented that important information respecting the numbers and condition of our forces is conveyed to the enemy by means of fugitive slaves who are admitted within our lines. In order to remedy this evil, it is directed that no such persons be hereafter permitted to enter the lines of any camp, or of any forces on the march, and that any now within such lines be immediately excluded therefrom.

2. The General Commanding wishes to impress upon all officers in command of posts and troops in the field the importance of preventing unauthorized persons of every description from entering and leaving our lines, and of observing the greatest precaution in the employment of agents and clerks in confidential positions.

By order of Major-General HALLECK.

WILLIAM McMICAL,
Assistant Adjutant-General.

The following is a letter to General Asboth, in which the latter is instructed in regard to the true intent and meaning of Order No. 3:

HEADQUARTERS DEPARTMENT OF MISSOURI,
St. Louis, December 26, 1861.

General Asboth, Rolla, Mo.:

GENERAL: It would seem, from the report of Major Waring to you, (referred to these headquarters,) that he had, in compliance with your instructions, delivered to a Captain Holland, a fugitive in his camp, claimed by Captain H. as the property of his father-in-law.

This is contrary to the intent of General Orders No. 3. The object of those orders is to prevent any person in the army from acting in the capacity of negro-catcher or negro-stealer. The relation between the slave and his master is not a matter to be determined by military officers, except in the single case provided for by Congress. This matter in all other cases must be decided by the civil authorities. One object in keeping fugitive slaves out of our camps is to keep clear of all such questions. Masters or pretended masters must establish the rights of property to the negroes as best they may, without our assistance or interference, except where the law authorizes such interference.

Order No. 3 does not apply to the authorized private servants of officers, nor to negroes employed by proper authority in camps; it applies only to "fugitive slaves." The prohibition to admit them within our lines does not prevent the exercise of all proper offices of humanity in giving them food and clothing outside, where such offices are necessary to prevent suffering.

Very respectfully,

Your obedient servant,

H. W. HALLECK,
Major-General.

Doc. 105.

THE INVASION OF MARYLAND IN SEPTEMBER 1862.

PROCLAMATION OF GENERAL-LEE.

LEE'S HEADQUARTERS,
ARMY OF NORTHERN VIRGINIA,
NEAR FREDERICKSBURG, September 8. }

To the People of Maryland:

It is right that you should know the purpose that has brought the army under my command within the limits of your State, so far as that purpose concerns yourselves.

The people of the confederate States have long watched with the deepest sympathy the wrongs and outrages that have been inflicted upon the citizens of a commonwealth, allied to the States of the South by the strongest social, political, and commercial ties, and reduced to the condition of a conquered province.

Under the pretence of supporting the Constitution, but in violation of its most valuable provisions, your citizens have been arrested and imprisoned upon no charge, and contrary to all the forms of law.

A faithful and manly protest against this outrage, made by a venerable and illustrious Marylander, to whom in better days no citizen appealed for right in vain, was treated with scorn and contempt.

The government of your chief city has been usurped by armed strangers—your Legislature has been dissolved by the unlawful arrest of its members—freedom of the press and of speech has been suppressed—words have been declared offences by an arbitrary decree of the Federal Executive—and citizens ordered to be tried by military commissions for what they may dare to speak.

Believing that the people of Maryland possess a spirit too lofty to submit to such a government, the people of the South have long wished to aid you in throwing off this foreign yoke, to enable you again to enjoy the inalienable rights of freemen, and restore the independence and sovereignty of your state.

In obedience to this wish our army has come among you, and is prepared to assist you with the power of its arms in regaining the rights of which you have been so unjustly despoiled.

This, citizens of Maryland, is our mission, so far as you are concerned. No restraint upon your free will is intended—no intimidation will be allowed within the limits of this army at least.

Marylanders shall once more enjoy their ancient freedom of thought and speech. We know no enemies among you, and will protect all of you in every opinion.

It is for you to decide your destiny, freely, and without constraint. This army will respect your choice, whatever it may be; and while the Southern people will rejoice to welcome you to your natural position among them, they will only welcome you when you come of your own free will.

R. E. LEE,
General Commanding.

PROCLAMATION OF BRADLEY T. JOHNSON.

The following proclamation was issued by Bradley T. Johnson, at Frederick, on the day he took possession of that place:

To the People of Maryland:

After sixteen months of oppression more galling than the Austrian tyranny, the victorious army of the South brings freedom to your doors. Its standard now waves from the Potomac to Mason and Dixon's Line. The men of Maryland, who during the last long months have been crushed under the heel of this terrible despotism, now have the opportunity for working out their own redemption, for which they have so long waited and suffered and hoped.

The government of the confederate States is pledged, by the unanimous vote of its Congress, by the distinct declaration of its President, the soldier and statesman Davis, never to cease this war until Maryland has the opportunity to decide for herself her own fate, untrammelled and free from Federal bayonets.

The people of the South, with unanimity unparalleled, have given their hearts to our native State, and hundreds of thousands of her sons have sworn, with arms in their hands, that you shall be free.

You must now do your part. We have the arms here for you. I am authorized immediately to muster in, for the war, companies and regiments. The companies of one hundred men each. The regiments of ten companies. Come all who wish to strike for their liberties and homes. Let each man provide himself with a stout pair of shoes, a good blanket, and a tin cup—Jackson's men have no baggage.

Officers are in Frederick to receive recruits, and all companies formed will be armed as soon as mustered in. *Rise at once!*

Remember the cells of Fort McHenry! Remember the dungeons of Fort Lafayette and Fort Warren; the insults to your wives and daughters; the arrests; the midnight searches of your houses!

Remember these, your wrongs, and rise at once in arms, and strike for liberty and right.

BRADLEY T. JOHNSON,
Colonel C. S. A.

September 8, 1862.

PROCLAMATION OF GOVERNOR BRADFORD.

STATE OF MARYLAND, EXECUTIVE DEPARTMENT,
ANNAPOLIS, September 8, 1862. }

To the People of Baltimore:

Whereas, it has been represented to me, upon authority which seems unquestionable, that a portion of the rebel army of the South, now in arms against the Union, has crossed our border, and is encamped upon our territory, menacing the city of Baltimore and other portions of the State with a hostile attack, and it is expedient that, besides all the powers with which the Government may be prepared to meet this daring invasion, our own citizens should, without delay, organize throughout the State such a militia force as may effectually

assist in defending our homes and firesides against the assault of the invader.

I, therefore, in virtue of the authority vested in me by the constitution and laws of the State, hereby call upon her citizens to enroll themselves at once, in volunteer military organizations, that no possible power at command may be overlooked in preparing to meet every emergency. In the city of Baltimore I would especially call upon our citizens to organize at once and complete the formation of the First light division of Maryland volunteer militia, in which several companies have been already filled, and their officers commissioned.

As a mistaken impression seems to exist, to some extent, of a purpose to offer to the Government the services of this division, or some portion of it, as United States volunteers, for nine months, and this impression may tend to retard the formation of the division, I would take this occasion to reiterate the assurance already given to many who have consulted me on the subject, that no one by becoming a member of any company in that division places himself thereby in the power of the officers or the organization to transfer his services, without his consent, to the volunteer forces of the United States. Whilst opportunity will be given to any regiment or brigade connected with the division to make such tender of their services to the Government, no member of any such regiment can be constrained to such a course by the majority of the command, nor without his individual consent.

With this understanding of the character of this military organization, I hope to see the ranks of the First light division immediately filled, prepared, when called into the service of the State or city, to respond effectually in maintaining their peace and ministering to their defence. At the same time any portion of it disposed to extend the sphere of its usefulness, will have the opportunity, with the consent of the Government, of uniting their exertions with the other volunteers from Maryland in the service of the United States.

To the citizens of the several counties I would appeal, and especially commend to them the formation of voluntary cavalry companies as better adapted than any other to the present emergency.

I have provided and am ready at once to distribute cavalry arms and accoutrements sufficient for all that will probably be organized; and whilst every effort will be made to arm and equip also all the infantry volunteers that may offer, let our loyal citizens not wait for the distribution of arms, but organize everywhere without delay, and assist in driving from the State the invading host that now occupies its soil, armed with any weapon which opportunity may furnish.

Given under my hand and the great seal of the State, this eighth day of September, 1862.

By the Governor, A. H. BRADFORD.

WILLIAM B. HILL,

Secretary of State.

ADDRESS OF THE COMMITTEE OF SAFETY.

To the Citizens of Lancaster County, Pennsylvania:

The undersigned, a committee of safety, appointed by the citizens of Lancaster, in general town meeting assembled, on the seventh instant, in view of the crisis in the present state of the country, beg leave to call your earnest attention to what is now considered the serious duty of all their fellow-citizens. Heretofore, since the breaking out of the present rebellion against the constituted authorities of the Government, the war has, with few exceptions, been carried on in the territory of the rebellious States, in many of which desolation and ruin have followed in the track of the contending armies. The intelligence received yesterday assures us that the rebels, grown bolder and more insolent by recent success, are determined to invade the Border States and carry into them the destruction to which their own have been subjected. The soil of Maryland has been invaded, and the fertile plains of Frederick County are now covered by a hostile force, eating the substance of her loyal population. How soon they may carry their rebellious hordes into Pennsylvania cannot now be predicted; but we assure you that the danger is imminent, and that it behooves us to rouse ourselves, and that without a moment's delay, to meet the threatening danger. Although this county has sent forth many of her sons, who have nobly fought and bled in support of the Constitution and laws of our sacred Union, and although the constituted authorities of the county have promptly responded to the request of our citizens in affording pecuniary aid in the formation of companies and regiments, much more is required to be done to secure ourselves against the inroads of the enemy.

We strongly appeal to you, therefore, to organize committees of safety in every township and borough in the county; to make out lists of every able-bodied citizen capable of bearing arms; to organize them under the provisions of the act of 1858, and to drill them daily; to put in order and have ready for immediate service every rifle and shot-gun in your respective neighborhood; to provide yourselves with the necessary ammunition; to form squads of cavalry in every district, and to practise the prescribed evolutions, so that, by combining them, a formidable cavalry corps can at once be organized; to arrest every man who utters a traitorous sentiment against the Government, and to watch every suspicious character whom you may find prowling in your vicinity.

We have bold, powerful, treacherous, and utterly unscrupulous enemies to deal with, who, not satisfied with the best Government under heaven, under which they and all of us have lived for nearly a century in peace and security, would now bring desolation to your homes and hearthstones; and to satisfy their hellish ambition to rule or ruin, would destroy those liber-

ties which, at every sacrifice, our forefathers fought and bled to establish.

Awake, fellow-citizens of Lancaster County, to your great and solemn duty. Your country calls upon you in this her hour of danger. Unite in all your strength, and in the cause of God and your country, prepare to hurl back the invader to the soil he has already made desolate; and, this being accomplished, your liberties now and for ever will be secured. By order of the Committee of Safety.

JOHN L. ATLEE,
Chairman.

Attest—H. B. SWARR,
Secretary.
LANCASTER, September 8, 1862.

Doc. 106.

GUERRILLAS IN WEST-VIRGINIA.

PROCLAMATION BY COLONEL IMBODEN.

ORGANIZED AND AUTHORIZED PARTISAN RANGERS.

UNDER the provision of an act of Congress, approved April twenty-first, 1862, and by authority of the War Department, I am raising and organizing a regiment of Partisan Rangers to be under my command as Colonel C. S. A., for immediate and very active service in the military department (west of Blue Ridge) now under the command of Major-General Thomas J. Jackson. The corps will be of a mixed character, mounted and on foot—adapted to the peculiar features of the country. The officers, except myself, will be elected as in other arms of the service; myself will be appointed and all will be commissioned by the President.

Enlistments for the corps must be for the war. Pay, rations, quarters, etc., the same as in the army, and in addition to pay, the full value in money of all arms and munitions captured from the enemy and turned over to a Quartermaster.

All conscripts between the ages of eighteen and thirty-five years, not yet mustered into service, may join this corps and avoid being drafted into the army. Men over thirty-five years of age who were volunteers for twelve months, and have not reenlisted, but are held under the ninety days' Conscript Act, will be discharged by the Secretary of War, with the consent of the commanding officer, as soon as they enlist with me. All other able-bodied volunteers will be received.

My proposed plan of operations, on file in the War Department, has received the cordial approval of the President, Generals Lee, Jackson, G. W. Smith, and Whiting, and will be supported by the government with all the aid I need for its vigorous prosecution.

The several companies will be generally separated and employed, as far as practicable, in localities nearest their homes, where they are familiar with the country. My purpose is to wage the most active warfare against our brutal invaders and their domestic allies; to hang about their camp and shoot down every sentinel, picket, courier, and wagon-driver we can find; to watch opportunities for attacking convoys and forage trains, and thus rendering the country so unsafe

that they will not dare to move except in large bodies. Our own Virginia traitors—men of the Pierpoint and Carlisle stamp—will receive our special regards.

Our enemies are waging a war of unparalleled barbarity and ferocity upon us—murdering unarmed peaceful citizens; outraging helpless women; burning the houses over the heads of innocent childhood; plundering the houses of widows and orphans; in short, laying waste the land wherever their armies have penetrated. Their hellish passions, not satisfied with these acts of fiendish brutality, are seeking further gratification by emancipating the slaves and putting arms into their hands to inaugurate a war of such atrocity as to make devils stand aghast at its horrors.

Such being our enemies, and such their purposes, I hold that by the laws of God and man, it is our duty to slay them by all legitimate means in our power. We have conducted the war upon the highest principles of Christian nations. Our enemies have adopted the Comanche code in all except scalping. There is but one mode of putting an end to such a contest and such a system. We must rise as one man and slay the invader whenever and wherever we find him. The honor of our wives and daughters, the sanctity of our homes, the liberty of our children, *must* be defended by the *men* of the South, or all is lost. We all desire peace, and yet there is but one mode by which it can be secured—the destruction of the Yankee armies. We can have peace by this means, and that right speedily, if every man will do his duty. We are infinitely stronger as a nation to-day than we were one year ago. Our independence is as certain as any future event can be, and the time for its recognition is a matter perfectly under our control. If every man capable of bearing arms in the Confederacy, conscript or not, would resolve to devote himself to the holy cause of freeing his country, our armies would be disbanded, and we should be free and independent before the fifteenth of August. I therefore appeal to the people of the West to unite with me at once in the effort to deliver our native mountains from the pollution that has been brought upon them. It is only men I want; men who will pull trigger on a Yankee with as much alacrity as they would on a mad dog; men whose consciences will not be disturbed at the sight of a vandal carcass. I don't want nervous, squeamish individuals to join me—they will be safer at home where the women can protect them and the children, and calm their nerves when alarming news is circulating.

My headquarters will be at Staunton for a while, where individuals can join the corps, and companies communicate with me. Upon being notified of the enlistment of sixty-four men at any point, I will attend in person to muster them into service and superintend the election of officers, when they will be immediately entitled to pay and subsistence, and will be put into the field of service.

J. D. IMBODEN,
Colonel of the Partisan Rangers.

Doc. 107.

OCCUPATION OF NEW-ORLEANS.

JEFFERSON DAVIS in his proclamation of December twenty-third, 1862, states that Mumford was hung by General Butler for pulling down the United States flag before the occupation of New-Orleans by the United States forces. The following official report will be a sufficient refutation of this statement:

UNITED STATES FLAG-SHIP HARTFORD, }
OFF NEW-ORLEANS, November 17, 1862. }

SIR: Under the impression that a report had been made of the part taken by the United States marines, of the fleet under the command of Admiral Farragut, in the military operations on shore, in the approaches to and at New-Orleans, in April last, I made no report to the Colonel Commandant of the Marine Corps at that time. I take occasion to correct the omission, and report the following:

On the morning of the twenty-fourth of April last, and immediately after the action with Forts Jackson and St. Philip, and the destruction of the rebel fleet, the marines under my command, by order of Admiral Farragut, landed and took possession of the Quarantine, at the same time taking prisoners the rebel troops, with their officers quartered in the Quarantine buildings, and hoisting the flag of the United States on the same.

Admiral Farragut having determined to take military possession of the city of New-Orleans, until the arrival of the troops of the United States army under General Butler's command, a bat-

talion of United States marines under my command, about two hundred and fifty strong, were disembarked from the fleet on the twenty-ninth of April last, and marched to the Custom-House, where I detailed Captain Alan Ramsay, with a detachment of marines, to occupy the Custom-House and guard the United States flag, then about to be hoisted on the building.

At this juncture, the marines were joined by two howitzers, manned by seamen, in charge of Midshipman J. H. Read and E. C. Hazeltine, from the flag-ship Hartford. After occupying the Custom-House, I received orders from Commodore H. H. Bell, senior officer present, to march the marines to the City Hall, a distance of about half a mile from the vessels of our fleet, and near the centre of the city. On arriving at the City Hall, I directed Lieutenant John C. Harris, with a guard of marines, to occupy the building and enforce order there while the rebel flag was being hauled down from the flag-staff on the City Hall.

After performing this duty, the marines were marched to the place of embarkation, and returned to the fleet, except the marines quartered in the Custom-House, who were retained there for the purpose of guarding the United States flag. When the troops of General Butler's command landed at New-Orleans on the first of May last, the force of marines on duty in the city returned to the fleet.

Respectfully, your obedient servant,

JOHN L. BROOME,

Captain Commanding Marines, Gulf Squadron.

Colonel JOHN HARRIS,

Commandant U. S. Marine Corps, Headquarters Washington, D.C.

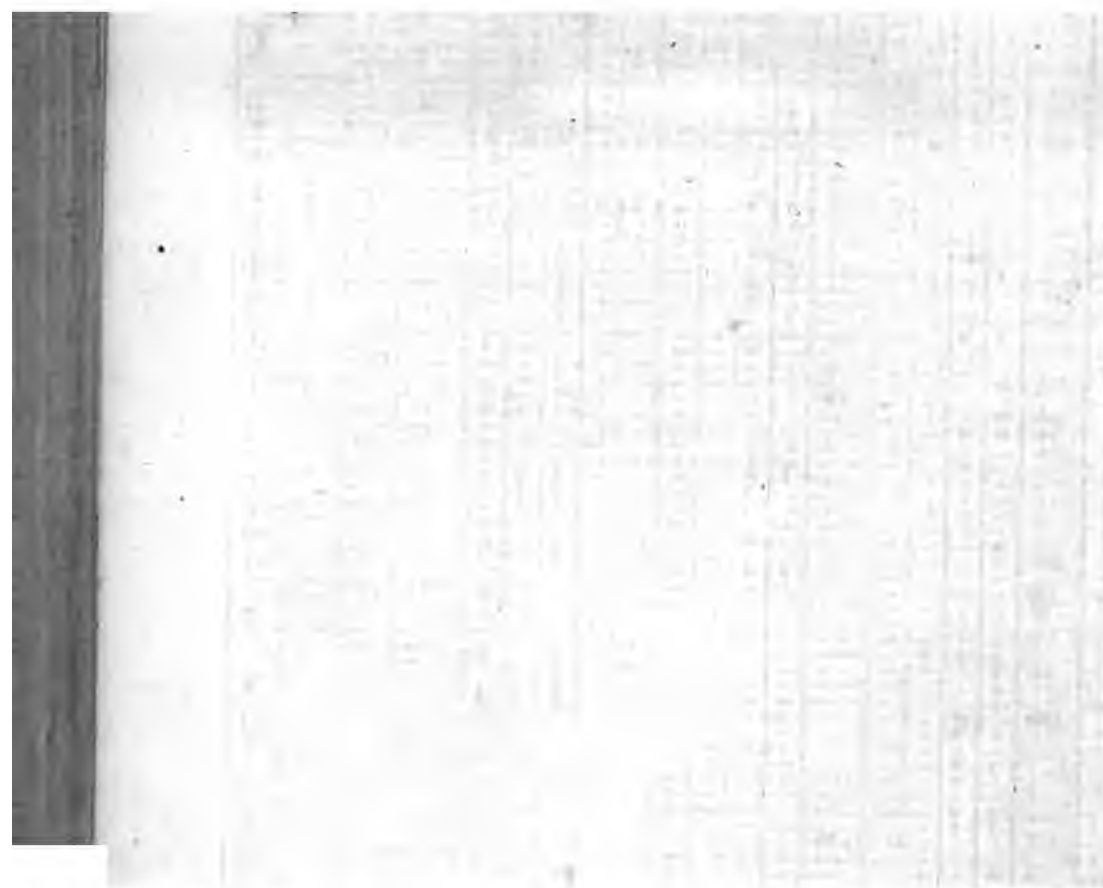
RECAPITULATION OF INDIAN SCOUTS.

759

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OFFICIAL:

CYRUS H. DE FORREST, Ala.-de-Camp.



INDEX

TO SUPPLEMENT—FIRST VOLUME.

A		PAGE	PAGE	PAGE	
ADAMS, CHARLES FRANCIS,	9	Birth and Death of Nations, by James McKaye,	56	CLARKE, JOHN B., rebel. <i>See</i> George W. Randolph,	382
ADAMS, JOHN QUINCY,	61	Black flags, Gen. Breckinridge's threat in relation to,	410	CLEMENTS, A. J.,	373
ADGER, J. E., Capt., rebel,	502	BLAIR, JACOB B.,	873	CLEMENTS, JERE, speech at Huntsville, Ala.,	241
Alabama. <i>See</i> John Gill Shorter.		Blockade, the, notes on, by Ellisha R. Potter, of Rhode Island,	191	CLIFFORD, JOHN H., notice of,	414
ALDEN, JAMES, Com., report of the bombardment of Galveston, Texas,	214	BLOODGOOD, DELAVAN, Asst. Surgeon, U. S. N., account of the saving of Forts Taylor and Jefferson,	23	COBB, HOWELL, noticed,	229
Allen's Farm, Va., battle of,	588	BLUM, R. A., Lieut., rebel,	501	CODDEN, RICHARD, M.P., letter of Dec. 2, 1861,	1
America, the Contest in, by John Stuart Mill,	217	Border States, President Lincoln's appeal to the,	368	Rev. J. P. Thompson's letter to,	14
American Revolution, 1776, exchange of prisoners in,	90	BRADFORD, A. H., Gov.,	755	COLFAX, SCHUYLER, noticed,	505
ANDERSON, FULTON, speech in the Virginia Convention, Feb. 18, 1861,	143	BRADISH, LUTHER,	90	COLLANTES, SATURNINO CALDERON. <i>See</i> Spain,	92
ANDERSON, R. H., Gen., rebel,	661	BRANNAN, JOHN M., Capt., at Tortugas,	90	COLLIER, of Virginia, Mr., resolution in reference to slavery,	355
ANDREW, JOHN A., order in reference to Catholics in Massachusetts regiments,	234	BRECKINRIDGE, JOHN C., Gen.,	410	Columbus, Tenn., evacuation of,	477
ANDREWS, G. W., Col. Fifteenth Ohio,	33, 37	BRIDENTHAL, H., Sergt. Third Ohio, Journal of Straight's expedition,	337	Major-Gen. Polk's report of the Committee on the Conduct of the War, Gen. McCall's testimony before the,	669
ANDREWS, J. J. <i>See</i> William Pittenger,	279	BRIGHT, JOHN, M.P., speech at Rochdale, England, Dec. 4, 1861,	1	Compromise, Daniel S. Dickinson's remarks on,	84
Antietam, Md., McClellan's report of the battle of,	627	BRITAIN, F. H., Secretary of State of Ala.,	244	"Conchs," the, description of,	24
report of casualties at,	637	BROOME, JOHN L., letter on the occupation of New-Orleans,	758	Confederate. <i>See</i> Rebel.	
ANGLE, Duke of,	6	BROWN, JOHN, of Harper's Ferry,	158	Confederate Churches. <i>See</i> Protestant Episcopal Church,	253
Army of the Potomac, Gen. McClellan's report on the organization, etc., of,	505	BROWN, JOHN C., Col., rebel. <i>See</i> Fort Donelson,	442	Confederate Congress. <i>See</i> Rebel Congress.	
list of killed and wounded, from June 26 to July 1, 1862,	593	BROWN, WILLIAM G.,	373	Confederate Sequestration Act, approved August 30, 1861,	19
Arkansas, Report of the National operations in, for the year ending Nov. 30, 1862,	337	BROWN, WM. M., Major, rebel. <i>See</i> Fort Donelson,	430	Confiscation. <i>See</i> Brig.-Gen. G. Wright,	335
ASTOR, JOHN JACOB,	519	BRYAN, GOOD, Col., rebel, report of operations in Virginia,	439	not within the prohibition of the Constitution,	713
Attalinder, Bill of,	708	BUCHANAN, JAMES, yields to the slaveholders,	60	Confiscation Bill, President Lincoln's message in reference to, July 17, 1862,	260
B		C		D	
Bahamas, British Neutrality laws for,	336	BUCKNER, S. B., Gen. <i>See</i> Fort Donelson, Tenn.,	416, 435	Conflix Ferry, Va., report of the battle of,	134
BALDWIN, W. E., Col., rebel, report of the capture of Fort Donelson,	436	BUELL, DON CARLOS, Gen., report of his campaign in Kentucky, 1862,	339	CONNOLLY, HENRY, Gov., proclamation organizing the militia of New-Mexico,	170
Ball's Bluff, Md., battle of,	535	McClellan's instructions to,	529	Conscription, Act for enrolling and calling out the national forces, and for other purposes, passed Feb. 1863,	270
Baltimore, Md., the riot of April 19, 1861, in. <i>See</i> Massachusetts, Henry Winter Davis's remarks on the government of,	411	BUFFUM, ROBERT. <i>See</i> William Pittenger,	279	rebel law of,	324
BANCROFT, GEORGE, letter on the exchange of prisoners,	173	Bull Run, Va. <i>See</i> Manassas.		the effect of,	325
BANKS, N. P., Gen., notice of,	90	BURCH, JOHN C., Col., rebel, report of the capture of Fort Donelson,	418	the new rebel law of,	326
BARNARD, J. G. Brig.-Gen.,	519	BURNSIDE, A. E., Gen., notice of,	527	rebel petition against,	351
BARNWELL, R. W. <i>See</i> Southern Rights Association,	193	BUTLER, BENJAMIN F., Major-Gen., McClellan's instructions to,	531	Constitution of the United States, Daniel S. Dickinson's remarks on the,	87
BARRY, WILLIAM F., Brig.-Gen., Report of artillery operations of, at the siege of Yorktown, Va.,	264	O		COOK, EDWARD C., Col., rebel. <i>See</i> Fort Donelson,	447
Gen. McClellan's report,	547	CABELL, H. C., Col., rebel, report of operations in Virginia,	490	COOPER, PETER,	25
BEAUREGARD, P. G. T., Gen., rebel, report of the battle of Manassas, Va.,	63	California, Confiscation in, Gen. Wright's order,	335	COOPER, S., Gen., rebel,	90
orders in reference to the movement of troops at the battle of Pittsburgh Landing,	473	CALVERT, CHARLES B.,	373	COPELAND, R. M., A. A. Gen.,	525
BEE, BARNARD E., Gen., rebel,	77	CARLETON, JAMES H., Gen., Report of Indian Scouts for 1863,	744	Crampton's Gap, Md., fight at, <i>See</i> McClellan's report,	505
Belmont, Mo., Com. Foote's report of the battle of,	216	CARLISLE, JOHN A., speech in the Virginia State Convention, March 7, 1861,	92	CRAVEN, T. AUGUSTUS, Com.,	28
BENJAMIN, J. P., Attorney-General, rebel,	213	Carnifex Ferry, Va., John B. Floyd's report of the battle at, <i>See</i> Connifex Ferry.	134	CRISFIELD, J. W.,	373
BENNING, HENRY L., speech in the Virginia Convention, Feb. 18, 1861,	143	CASEY, SAMUEL S.,	373	CRITTENDEN, J. J.,	363
BENSON, WILLIAM, adventure of,	279	Catholics, in Massachusetts regiments, Gov. Andrew's order,	224	CROCKER, ALVAN, speech in the Massachusetts Senate, Apl. 23, 1862,	414
		Catholic Church, the spirit of the,	377	CROSS, EDWARD E., Col., report of the operations of the Fifth New-Hampshire Volk,	236
		CHASE, SALMON P., at Norfolk, Va.,	673	CUTLER, BEN. C.,	752
		CHEAISE, N. F., Major, rebel. <i>See</i> Fort Donelson,	444		
		CHILTON, R. H., Adj't., rebel,	30		
		CHITTENDEN, S. B.,	35		
		Civil War, Rights of Parties in,	192		

	PAGE		PAGE		PAGE
DAVIS, GARRETT. <i>See</i> Border States,	808	GEDDES, J. L., Col. Eighth Iowa Inf.,		International Spirit, Rev. J. P.	
DAVIS, HENRY WINTER, address at		report of the battle of Pittsburgh	259	Thompson's letter on,	14
Baltimore, Oct. 16, 1861,	170	Landing,		IRVING J., Col. Sixteenth Ohio,	32, 39
DAVIS, JEFFERSON, message of, Aug-	358	Georgia State Railroad, Pittenger's	379		
ust 12, 1862,	708	expedition to destroy the,		J	
notice of,	839	GIFROLT, Baron. <i>See</i> Prussia,	83	JACKSON, CLAIRBORNE F., rebel, Gov.,	54
letter on retaliation,	459	GILBERT, C. O., Gen., report of the		JACKSON, J. S.,	373
message of, Feb. 25, 1862,		operations along the Louisville	602	James Island, S. C., rebel reports of	
DeKalb Co., Missouri. <i>See</i> Isaac N.		and Nashville Railroad,		the battle of,	494
Shambaugh.	54	GILMER, J. F., report of the rebel op-	481	JAY, JOHN, notice of,	35
DR STORCKL, M. <i>See</i> Russia,	81	erations at Forts Donelson and		"Jefferson Davis," the privateer,	63
DICKINSON, DANIEL S., speech at	83	Henry,		Jefferson, Fort. <i>See</i> Fort Jefferson,	23
Tunkhannock, Pa., Aug. 1861,	86	GILMER, JOHN H. <i>See</i> Rebel Con-	851	JOHNSON, BRADLEY T., notice of, 175,	755
DONES, AUGUSTE,	25	scription,	590	JOHNSON, D. R., Gen., rebel,	69
DODGE, WILLIAM E.,		Glendale, Va., battle of,	274	JONES, ROGER ST.	736
DONE, W. L., Major, rebel. <i>See</i> Fort	449	Gen. Heinzelman's report of the		JONES, THOMAS M., Brig.-Gen., rebel,	
Donelson,	535	battle of,	475	report on the evacuation of Pen-	385
Drainsville, Va., battle of,	509	Glorietta, N. M., Col. W. R. Scurry's	81	sacola, Fla.,	
DRAKE, CHARLES D., letter in refer-		report of the battle of,	407	JORDAN, POWHATAN, Capt., rebel, re-	474
ence to Shambaugh's address,	185	GOODLET, S. D., Col., rebel,	481	port of operations in New-Mexico,	
letter on the Personal Liberty		GORTSCHAKOFF. <i>See</i> Russia,		Judiciary. <i>See</i> Rebel Judiciary,	460
Laws,	192	GRANT, ULYSSES S., Lieut.-Gen., no-	480		
DRATTON, THOMAS F., Gen., rebel, re-	480	tice of,	480	K	
port of the capture of Fort Roy-		his terms to Gen. Buckner,	480	KANEHAWA IV., proclamation of	
al, S. C.,	481	GREELY, HORACE, correspondence	480	neutrality of,	39
DUDLEY, T. H., notice of,	1	with President Lincoln, August,	489	Kentucky, rebel raids in, official re-	
DUNE, WM. O., rebel, notice of,	491	1862,	489	port of Gen. John H. Morgan,	296
DUNFOL, G. W.,	873	GREENE, THOMAS, Col., rebel, report		Gen. Buell's report of the cam-	339
DUNNING, S. H., Col. Fifth Ohio,	85	of operations in New-Mexico,	455	paign in 1862,	
DUPONT, S. F., Com., report of the	823	GREGG, JOHN, Col., rebel. <i>See</i> Fort	373	Declaration of Independence and	
capture of the Ella Warley,	89	Donelson,		ordinance of separation, passed	
DUPUT, H. G., Col. Eighth Ohio Regt. 38,		GRIDER, H.,	250	Nov. 20, 1811,	164
		Guerrillas. <i>See</i> Rebel Partisan Ran-	362	Secession in,	164
		gers,		KEY, JOHN J., Major, documents re-	
E		<i>See</i> Rebel Guerrilla Warfare,		lating to the dismissal of,	477
EARLY, A. A., Gen., rebel,	75			KEYES, E. D., Gen., letter to Senator	
EDGAR, GEORGE P., Capt. <i>See</i> Fred-	498	EH		Harris, April 7, 18 2,	555
erickton, Mo.,	525	Habeas Corpus,	785	KEYS, JOHN, Capt., report on pursuit	29
Edwards's Ferry, Md., battle of,	823	HAGOOD, JOHNSON, Col., rebel,	785	of Garnett,	
"Ella Warley," capture of the,	298	HALL, WM. A., noticed,	650	Knights of the Golden Circle, the	110
ELLISWORTH, G. A., telegraphic op-		HALLECK, H. W., Gen.; McClellan's			
erations of, in Morgan's rebel raids,	836	Instructions to,	458	L	
England, neutrality of. <i>See</i> Baha-	718	General Order, No. 8,	458	LADD, LUTHER C., notice of,	413
mas,	270	letter on the removal of Gen. Mc-		LAMAR, J. G., Col., report of the bat-	
English Law, savage cruelties of,	736	Clellan,	458	tle of James Island, S. C.,	497
Enrolment, act for enrolling the na-	460	HANSON, ROGER W., Col., rebel. <i>See</i>	107	LAMISON, CHARLES N., Major,	37
tional forces, passed Feb. 1863,		Fort-Donelson,	624, 738	Lancaster, Pa., address to the people	736
Enrolment Act of March 8, 1863, the		HARDING, AARON,	555	of, Sept., 1862,	373
constitutionality of,	490	HARNEY, WILLIAM S., Brig.-Gen.,	595	LEAHY, C. L. L.,	
Europe, secession in,	496	agreement with Gen. Price,	54	LEE, ROBERT E., address to the peo-	735
EVANS, N. G., Brig.-Gen., report of		May, 1861,	80	ple of Maryland,	
the battle of James Island, S. C.,		Harper's Ferry, Md., operations at,	595	LEE, W. H., Gen. <i>See</i> Pleasanton's	504
		surrender of,	54	Reconnoissance,	
F		HARRIS, IRA, letter from C. P. Daly to,	551	Lee's Mills, Va., fight at. <i>See</i> 433	
Fair Oaks, battle of. <i>See</i> McClellan's		Harrison's Bar, Va., McClellan's re-	452	See McClellan's report, 551	
report, 505 et seq.		treat to. <i>See</i> Report,	449	LEVY, WILLIAM M., Col., rebel, report	468
FICKET, FREDERICK, Jr.,	873	HARVEY, J. E., minister to Portugal,	449	operations in Virginia,	
FISHER, GEORGE P.,	184	Hawaii, neutrality proclamation of,	274	LINCOLN ABRAHAM, criticised,	61
FLOYD, JOHN B. Gen., rebel, report of	455	HEAD, JOHN W., Col., rebel. <i>See</i> Fort	277	Reply to the Committee of the	
the battle of Carnifex Ferry,	414	Donelson,	874	Lutheran General Synod,	223
Va.,	408	HEIMAN, A., Col., rebel. <i>See</i> Fort	420	Message in reference to the Confi-	280
supplemental report and defence	860	Donelson,	32	sation Bill, July 17, 1861,	363
of the capture of Fort Donelson,	22	HEINTZELMAN, R. P., Major-Gen., re-	381	Appeal to the Border States, July	
FOOTE, A. H., Admiral, report of the	216	port of the battle of Glendale, Va.,		12, 1862,	477
battle of Belmont, Mo.,	419	report of the battle of Malvern	490	Papers relating to the dismissal of	
FORREST, A. B., Col., rebel, report of	414	Hill, Va.,	490	Major John J. Key,	
the capture of Fort Donelson,	408	HENDERSON, J. B., reply to President	420	Correspondence with Horace Gree-	
Fort Donelson, Tenn., rebel reports	860	Lincoln on the Border State	32	ley,	
of the capture of,	216	question,	26	<i>See</i> McClellan's report, 505, 533	
Fort Henry, Tenn., rebel reports of	414	HENRY GUS. A., Major, rebel, state-	279	Eng.,	1
the bombardment of,	408	ment in reference to the capture	26	London Times, opinion of Bright's	
Fort Hugger, Va., rebel account of the	23	of Fort Donelson,	279	speech of Dec. 4, 1861,	12
gun-boat fight at,	216	HILL, CHARLES W., Brig.-Gen., report	279	LONGSTREET JAMES, Gen., rebel,	69
Fort Jefferson, the saving of,	216	of his pursuit of Gen. Garnett,	279	Louisville and Nashville Railroad,	
<i>See</i> "The Keys of the Gulf,"	744	HITCHCOCK, ROSWELL D., D. D.,	279	Gen. Gilbert's report of opera-	692
Fort McAllister, Ga., rebel reports of	23	HOLT, JOSEPH, speech at Irving Hall,	850	ations along the,	703
the attack on,	493	New-York, Sept. 10, 1861,	381	I'OUVREURE, TOURSAINT, notice of,	
Fort Taylor and Jefferson, how they	88	Report on the expedition of Wil-	469	Lutheran Church of the United	233
were saved, by Delavan Blood-		liam Pittenger and others, to de-	737	States, resolutions of the,	
good,		stroy the Georgia State Railroad,	744	LYNCH, P. N., D. D., Bishop of	
Fredericktown, Mo., reports of the		Hugger, Fort, gunboat fight at, rebel		Charleston, S. C., letter to Arch-	377
battle at,		account,		bishop Hughes,	
FROTHINGHAM, J. B., Major,		HUGHES, JOHN, Archbishop of New-			
		York, letter to Bishop Lynch,		NE	
G				MACRUDER, J. B., Major-Gen., rebel,	
Galveston, Texas, Com. Alden's re-		I		report of his operations on the	
port of the bombardment of,		INUR, P. R., Lieut.-Col., rebel, report		Virginia Peninsula,	492
Aug. 1861,		of operations in Virginia,			
GARNETT, RICHARD B., Gen., rebel,		IMBODEN, J. D., rebel,			
pursuit of,		Indian scouts and their results, re-			
		port of Gen. Carleton,			

	PAGE
MALVERN HILL, Va., Cologne Gazette account of the battle of, <i>See</i> Seven Days' Contests.	245
Gen. Heintzelman's report of the battle of.	277
Col. Averill's reconnoissance to, August 4, 1862.	599
Manassas, Va., Beauregard's report of the battle of, July 31, 1861.	69
MANN, A. DUDLEY. <i>See</i> Rebel Commissioners.	461
MARSHALL, CHARLES H., Adjutant, report on the pursuit of Garnett.	40
Martial Law, Alexander H. Stephens's letter on, the law of war, foundation of, territorial extent of, Maryland, address of the Union State Central Committee of, Oct. 1861, The history of secession in, by Henry Winter Davis, Act of the State of, to relieve the families of those persons who fell in the passage of the Massachusetts troops through Baltimore, April, 1861, Invasion of, in 1863, Maryland Heights, Md., occupation of, MANON, CHARLES, hung as a spy, MANON, J. M. <i>See</i> Eildell and Mason. Massachusetts, proceedings of the Legislature of, upon the Act of the Maryland Legislature, appropriating money for the relief of the families of the Sixth Regt. of Mass., Catholics in the regiments of, <i>See</i> John A. Andrew, MAYNE, BRANTZ, MAYNARD, HORACE, reply to President Lincoln, on the Border States question, McCALL, GEORGE B., Gen. <i>See</i> Army of the Potomac, 505, 583 Report of the Seven Days' Contest, McCASLAND, JOHN, Col., rebel, report of the capture of Fort Donelson, McCLELLAN, GEORGE B., Major-Gen., at Roaring Run, Western Va., <i>See</i> Western Va. criticised, report in reference to the occupation of the White House, Va., report of the Army of the Potomac, while under his command, some of the causes of the removal of, <i>See</i> Seven Days' Contest. <i>See</i> Yorktown. <i>See</i> Gen. Wm. F. Barry. <i>See</i> Glendale, Va. McCULLOCH, BEN., report on raising troops for the State of Texas. <i>See</i> Texas Treason of Twiggs, McENERY, J., Lieut.-Col., rebel, report of the battle of James Island, McGINNIS, T., Adjutant, rebel. <i>See</i> Fort Donelson, McKAY, JAMES, "Birth and Death of Nations," by, McLAWS, T., Brig.-Gen., rebel, report of operations in Virginia, MADE, G. G., Major-Gen. <i>See</i> Army of the Potomac, 505, 593 <i>See</i> Gen. George A. McCall, Mechanicsville, Va., battle of, MILES, M. C., Quartermaster General, MENZIES, J. W., MERRINS, WILLIAM, Flag-Officer, Military Arrests in Time of War, by William Whiting, Military Commanders, powers and responsibilities of, MILL, JOHN STUART, The Contest in America, by, Missouri, agreement between Generals Harney and Price, May, 1861, report of the national operations	373 245 277 599 69 461 40 675 725 735 165 178 411 538 661 274 169 373 505, 583 663 436 33 40 356 506 555 245 118 502 451 56 457 561 568 3 273 215 728 735 217 107

	PAGE
in, for the year ending Nov. 30, 1862, <i>See</i> Charles D. Drake. <i>See</i> Isaac N. Shambaugh. MITCHELL, O. M., Major-Gen., expedition into Georgia, MORGAN, JOHN H., Gen., rebel, report of his raids into Kentucky, Mormons, indemnity to, MORTON, THOMAS, Col. Twentieth Ohio, MURRAY, T. B., MYERS, H. A., Lieut., N NEEDHAM, SUMNER H., notice of, Negroes, reports of the condition of, at Port Royal, by Edward L. Pierce, <i>See</i> Slavery and Slaves. Nelson's Farm, Va., battle of, <i>See</i> Gen. S. P. Heintzelman, NESBITT, C. R., Colonial Secretary of the Bahamas, Neutrality, Hawaiian proclamation of, United States and Russia, Proclamation of the Queen of Spain, United States and Prussia, English Proclamation for the Bahamas, New-Hampshire Volunteers, Col. Cross's report of the operations of the Fifth Regiment of, New-Jersey, Peace Resolutions passed March 18, 1863, protest of the soldiers of, against the Peace Resolutions, Newmarket Cross-Roads, Va., Gen. McCall's report of the battle of, New-Mexico, organization of the militia in, address of M. Otero to the people of, reports of rebel operations in, New-York Young Men's Republican Union, Sumner's speech before the, New-Orleans, La., occupation of, NOBLE, JOHN W., Norfolk, Va., Gen. Viele's letter on the repossession of, North-Carolina, Quakers in, NORTHEED, WILLIAM D., speech in Massachusetts Senate, April 23, 1862, NOYES, WILLIAM CURTIS, speech at Irving Hall, New-York, September 10, 1861, O OHIO Volunteers. Fifth Regiment of, Eight Regiment of, Fifteenth Regiment of, Sixteenth Regiment of, in Western Virginia campaign, OTT, PETER, Assist. Adj't-General, rebel, P PAGE, J. T., Mayor of Rochdale, Eng., PAINE, HALBERT E., Col., reply to John C. Breckinridge, on black flags, PALMER, B. M., Rev. Dr., of New-Orleans, opinion of slavery, PALMER, JOSEPH B., Col., rebel, <i>See</i> Fort Donelson, PARR, JAMES L., PARROTT, JACOB. <i>See</i> William Pittenger, Partisan Rangers, rebel, Act authorizing the, Peace. <i>See</i> New-Jersey, PEMBERTON, J. C., Major-Gen., report of the battle of James Island, B. C.,	327 279 296 669 33, 36 753 83 413 302, 315 590 274 387 80 81 82 82 336 896 679 691 667 170 212 465 43 753 8.3 677 752 412 459 35 33 38 32 459 1 410 59 445 169 279 350 679 494

	PAGE
Pennsylvania Reserves. <i>See</i> General McCall's report, Pensacola, Fla., rebel report of the evacuation of, PERIT, PELATIAH, "Personal Liberty Laws," letter from Charles D. Drake on the, PETIGRU, J. L., Judge, speech of, at the opening of the first rebel court held in Charleston, PHELPS, JOHN S., PIERCE, EDWARD L., reports on the condition of the negroes at Fort Royal, S. C., PILLLOW, GIBSON J., General, rebel, report of the capture of Fort Donelson, Tenn., Pirates. <i>See</i> Privateering, <i>See</i> Charles F. Daly, PITTINGER, WILLIAM, Corporal, expedition of, into Georgia, Pittsburgh Landing, reports of the battle of, Beauregard's orders on the movement of the troops at the battle of, PLEASANTON, Alfred, General, reconnoissance of, October, 1862, PLUMMER, J. B., Col. Eleventh Missouri Vols., POLE, LEONIDAS, Major-Gen., report of the evacuation of Columbus, POPE, JOHN, Major-Gen., Jeff Davis's letter on the order of, his campaign in Virginia. <i>See</i> McClellan's report, Notice of, PORTER, FITZ-JOHN, Major-Gen., Port Royal, S. C., rebel reports of the capture of, rebel casualties in, reports on the condition of negroes at, Portugal, declaration of, in reference to privateering, POTTER, ELISHA R., speech in the Senate of Rhode Island, August 10, 1861, PRENTISS, B. M., Gen., report of the battle of Pittsburgh Landing, PRESTON, JOHN S., speech of, in the Virginia Convention, February 19, 1861, PRICE, STERLING, Gen., rebel, agreement with Gen. Harney, May, 1861, PRICE, THOMAS L., Prisoners, Bancroft's letter on the exchange of, Privateering, Portuguese declaration in reference to, <i>See</i> Charles P. Daly. Protestant Episcopal Church, Pastoral letter from the bishops in the confederate States to clergy and laity, November 23, 1862, PRUSIA, neutrality of, PYROX, C. S., Major, rebel, report of operations in New-Mexico, Quakers, rebel imprisonment of,	668 394 25 185 409 873 802, 815 414 64 64 279 257 473 504 493 477 859 617 657 617 192 196 802, 815 54 187 257 156 107 73 90 54 252 62 473 732 75 472 499 362 656 660 460 82 351 323, 753

R

RADFORD, —, Col. Sixth Virginia Regiment, rebel, RAGNAT, HENRY W., Major, rebel, report of operations in New-Mexico, RANSAY, DAVID, Major, rebel, RANDOLPH, GEORGE W., rebel Secretary of War, letter on guerrilla warfare, Rappahannock River, account of the fight on, August, 1862, rebel account of the fight on, Rebel Commissioners, correspondence with Earl Russell, Rebel Congress, Jeff Davis's Message to, August 12, 1862, Rebel Conscription, petition against, Rebel guerrilla warfare, official correspondence relating to,	75 472 499 362 656 660 460 82 351 323, 753
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100

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